



W.P(MD).No.13346 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.13346 of 2022
and W.M.P(MD).No.14535 of 2022**

1.P.Shajahan
2.S.Kamarunnisa

... Petitioners

Vs.,

The District Registrar,
Office of the District Registrar,
Kumbakonam 612 001.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to consider the petitioners' representation dated 20.05.2022 praying for removal of the rectification deed entry document No.1005/2001 dated 24.04.2001 from the encumbrance certificate register pertaining to T.S.No.771/1 extent 3008 sq.ft and 771/3 extent 672 sq.ft situated in Kumbakonam Town within the registry of kumbakonam Sub Registrar Office of the District Registrar, Kumbakonam.

For Petitioners : Mr.M.V.Santharaman
For Respondent : Mr.M.Siddarthan
Additional Government Pleader



WEB COPY



W.P(MD).No.13346 of 2022

ORDER

The writ petition has been filed for issuance of Writ of Mandamus directing the respondent to consider the petitioners' representation dated 20.05.2022 seeking for removal of the rectification deed entry document No. 1005/2001 dated 24.04.2001 from the encumbrance certificate register pertaining to T.S.No.771/1 extent 3008 sq.ft and 771/3 extent 672 sq.ft situated in Kumbakonam Town within the registry of kumbakonam Sub Registrar Office of the District Registrar, Kumbakonam.

2. Heard both sides.

3. It is the case of the petitioners that the petitioners have purchased the land measuring to an extent of 3680 Sq.ft in T.S.No.771/1 and 771/3 from one M.Gowtham Chand on 09.03.2001. After registration of the sale deed, the vendor, namely, Gowtham Chand, has registered the rectification deed unilaterally, without knowledge of the petitioner. Hence, the petitioner seeks to cancel the document.



W.P(MD).No.13346 of 2022

4. As the document is already registered and entry has also been effected, the same cannot be removed automatically. The very purpose of entry is to inform the public as to the nature of the transaction with regard to the particular Survey Number. Hence, the petitioner is at liberty to workout his remedy in a proper civil Court by filing a suit to establish his title.

5. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

09.08.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

The District Registrar,
Office of the District Registrar,
Kumbakonam 612 001.



WEB COPY



W.P(MD).No.13346 of 2022

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.13346 of 2022

09.08.2024