



W.P(MD)No.13391 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.13391 of 2024

and

W.M.P(MD)No.16295 of 2024

P.Pious Vaz

... Petitioner

Vs

1.The Deputy Inspector General of Registration,
Madurai Region,
Madurai.

2.The District Registrar,
Othakadai,
Madurai.

3.The Sub Registrar,
Alanganallur Sub Registrar Office,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the wrong entry showing in the encumbrance certificate belongs to Survey No.126/1 in Kallanai Village, Vadipatti Taluk, Madurai District belongs to the document bearing No.5037 of 2020 dated 03.11.2020 on the file of the third respondent herein based on the representation of the petitioner, dated 03.06.2024 within the stipulated time fixed by this Court.



W.P(MD)No.13391 of 2024

For Petitioner : Mr.M.Viji

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents 2 and 3 to remove the wrong entry made in the encumbrance certificate in respect of the property comprised in Survey No.126/1 in Kallanai Village, Vadipatti Taluk, Madurai District.

2.The petitioner had purchased the property to an extent of 29.5 cents comprised in Survey No.126/1 situated at Kallanai Village, Vadipatti Taluk, Madurai District from one Savithiri by the registered sale deed dated 03.11.2020 vide Document No. 5037 of 2020. Originally, the said land was purchased by one Valliyammaal and it was settled in favour of the petitioner's vendor on 16.12.2011 vide Document No.5816 of 2011. However, the subject property has been recorded in the encumbrance under attachment vide Document No.40 of 1993.

3.On perusal of records would reveal that the Food Corporation of India has attached the properties under various



W.P(MD)No.13391 of 2024

survey numbers and wrongly entered the property comprised in Survey No.126 situated at Kallanai Village, Vadipatti Taluk, Madurai District in the attachment order and filed execution petition in E.P.No.208 of 1991. However, the said execution petition was dismissed for default on 29.06.1994. Subsequently, after execution, another E.P was filed in E.P.No.6 of 1997 in which the property comprised in Survey No.126 was deleted. Subsequently, the entire matter has been settled by the respondents and execution petition was closed by raising attachment in respect of other property also. The Execution Court namely I Additional Sub Court, Madurai, directed the second respondent to make proper entries in the encumbrance certificate. Therefore, the subject property was not attached at any point of time and also the other properties of the attachment is raised by settlement by order dated 23.08.2024 on the file of the I Additional Sub Court, Madurai.

4.In view of the above, the second respondent is directed to make entry of deletion of the subject property in the encumbrance within a period of two weeks from the date of receipt of a copy of this order.



W.P(MD)No.13391 of 2024

WEB COPY

5. With the above direction, this Writ Petition is allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

29.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



W.P(MD)No.13391 of 2024

WEB COPY

To

- 1.The Deputy Inspector General of Registration,
Madurai Region,
Madurai.
- 2.The District Registrar,
Othakadai,
Madurai.
- 3.The Sub Registrar,
Alanganallur Sub Registrar Office,
Madurai.



WEB COPY



W.P(MD)No.13391 of 2024

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.13391 of 2024

29.11.2024