



W.P.(MD)No.15970 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15970 of 2023

R.Paneerselvam

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar, Trichy.

2.The Sub Registrar,
Office of the Sub Registrar,
K.Sathanoor Sub Registration Office,
Trichy.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to delete the entries with regard to the registered power deed in document No. 177/1999 dated 20.08.1999 standing in the name of 2nd defendant and so also the sale deed in document No.1997/2001 which is standing in the name of the 1st defendant dated 01.09.2001 from the Encumbrance Register maintained by the Respondents herein with the time stipulated by this Court on the basis of the petitioner's representation dated 12.04.2023.



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For Petitioner : Mr.S.Ramakrishnan
For Respondents : Mr.M.Siddharthan,
Addl. Govt. Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents herein to delete the entries with regard to the registered power deed in document No.177/1999 dated 20.08.1999 standing in the name of 2nd defendant and so also the sale deed in document No.1997/2001 which is standing in the name of the 1st defendant dated 01.09.2001 from the Encumbrance Register maintained by the Respondents herein with the time stipulated by this Court on the basis of the petitioner's representation dated 12.04.2023.

2. It is the case of the petitioner that the petitioner has filed a suit in O.S.No.707 of 2021 before the learned 2nd Additional Sub Court, Trichy, seeking for a declaration and permanent injunction. The said suit was filed against one T.S.Selvam and Manivel. After elaborate trial, the said suit was decreed in favour of the petitioner by decree and judgment dated 07.01.2023, declaring that the petitioner and one Vijaya and Punniyakodi are the absolute owners of the suit schedule property. Further, the power deed and the sale deed standing in the name



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of the defendants 1 and 2 were declared as null and void. Hence, the respondents are duty bound to delete the entries in the Encumbrance Certificate. In this regard, the petitioner has given a representation to the respondents to delete the entries in the Encumbrance Certificate. Since, no action was taken by the respondents, the petitioner has filed his Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court is of the view that as the petitioner has obtained decree in O.S.No.707 of 2021 in his favour, instead of seeking direction to delete the entry in the Encumbrance Certificate, the petitioner can very well present the said decree itself for registration. If the petitioner presents the said decree for registration, the second respondent shall register the same within a period of seven days from the date of presentation of such decree.



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5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes/No

vsm



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N.SATHISH KUMAR, J.

vsm

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