



W.P(MD)No.18196 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18196 of 2024

M.Baburaj

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Kanyakumari Registration Circle,
Nagercoil.

2.The Sub Registrar,
Office of the Sub Registrar,
Colachel,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents more particularly the 2nd respondent to remove the entry as made in the encumbrance certificate in pursuance of petitioners representation dated 11.07.2024 within a time frame as fixed by this Court forthwith.

For Petitioner : Mr.T.Jeen Joseph

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1 & R2



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ORDER

Heard both sides.

2. The petitioner entered into sale agreement with one Jinoraj in the year 2019. The petitioner wants to cancel the said entry on the ground that limitation period has expired. Once an entry has been made, it cannot be canceled unilaterally. The petitioner need not have any apprehension that he will not be able to deal with the property. The Madras High Court had held categorically that even if the prior sale agreement is reflected in the encumbrance register, it will not bar the owner from dealing with the property. Therefore, the petitioner's apprehension is misplaced. The Writ Petition is disposed of accordingly. No costs.

01.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Registrar,
Office of the District Registrar,
Kanyakumari Registration Circle,
Nagercoil.



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2. The Sub Registrar,
Office of the Sub Registrar,
Colachel,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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