



W.P.(MD)No.4292 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.4292 of 2018
and W.M.P.(MD)No.4292 of 2018

K.Imtiaz Ahmed

... Petitioner

Vs.

1.The Inspector General of Registration,
100 Santhome High Road,
Pattinampakkam, Chennai - 600 028.

2.The District Registrar,
Sivagangai Registration District,
Sivagangai.

3.The Sub Registrar,
Ilayangudi, Sivagangai District.

4. K.A.N.Mohammed Amin

.... 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 1 and 2 to consider and pass orders on the representation preferred by the petitioner to the respondents, to remove the entries as to encumbrance in respect of the school property in Survey No.109/412, Ilayangudi South Village, Sivagangai District within the time stipulated by this Court.



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For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates

For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader for R1 to R3

ORDER

This Writ Petition has been filed seeking direction to the respondents 1 and 2 to consider and pass orders on the representation preferred by the petitioner to the respondents, to remove the entries as to encumbrance in respect of the school property in Survey No.109/412, Ilayangudi South Village, Sivagangai District within the time stipulated by this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

3. It is the case of the Writ Petitioner that the Rahmaniya Elementary School, Ilayangudi was established by the petitioner's grandfather in the year 1914, extending to 323.73 sq. metres in S.No.109/412. While so, one K.A.N.Mohammed Amin, who is the Secretary of the said school, had created



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fabricated documents, as the school property belongs to his own and had executed a settlement deed in favour of his wife. Therefore, the petitioner made a representation on 02.01.2018 to the 2nd respondent, to prevent any further fraudulent selling of school property and also to remove the entries regarding encumbrance in the registration record. Since the same was not considered, the petitioner has filed this Writ Petition.

4. At the outset, this Court is of the view that the remedy of the petitioner lies somewhere else and not before the District Registrar. The District Registrar has no such power to remove the entries as to the encumbrance in respect of the properties.

5. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

vsm

To

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- 2.The District Registrar,
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Sivagangai.
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