



W.P.(MD)No.21075 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21075 of 2022
and
W.M.P.(MD)No.15302 of 2022

1.D.Padmavathi
2.S.Janaki
3.Bhuvaneswari
4.D.Radha

... Petitioners

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhom High Road,
Pattinampakkam, Santhom,
Chennai-600 028.

3.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Rajakambeeram, Thirumohur Road,
Madurai-625 107.

3.The District Registrar,
Registration Department,
Dindigul, Dindigul District.

4.The Sub-Registrar,
Sub-Registrar Office,
Vedasandur, Dindigul District.

5.Kamalaveni
6.R.Rajendran

.... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to consider the petitioner's representation dated 20.06.2022 and to cancel the illegal encumbrance entry of the sale agreement No.1044/2005, dated 27.06.2005 and to pass such further orders to take appropriate action as against the respondents 5 and 6 within the time stipulated by this court.

For Petitioner	: Mr.M.R.Sreenivasan
For R1 to R4	: Mr.C.Satheesh Government Advocate
For R5	: Mr.P.Balamurugan
For R6	: Mr.G.Gomathi Sankar

ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 to 4 to consider the petitioner's representation dated 20.06.2022 and to cancel the illegal encumbrance entry of the sale agreement No.1044/2005, dated 27.06.2005 and to take appropriate action as against the respondents 5 and 6 within the time stipulated by this court.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4, the learned counsel for the respondents 5 and 6 and perused the materials available on record.

3. It is the case of the writ petitioner that the properties in question belonged to the grandfather of the petitioner. The fifth respondent herein having



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no right over the subject properties, had filed a suit in O.S.No.46 of 2024 seeking partition and separate possession and the same was dismissed. Challenging the same, the fifth respondent preferred an appeal in A.S.No.17 of 2005, which was also dismissed and the said judgment and decree attained finality. While that being so, the fifth and sixth respondents had created a forged sale agreement and the same was also recorded in the encumbrance certificate. On knowing the said entry, the petitioner made a representation before the respondent to delete the entry made in the encumbrance certificate. Since the same was not considered, the petitioner has filed this writ petition.

4. At the outset, the prayer sought for by the petitioner could not be granted by this Court, since the Registering authority has no power to remove the entry already made in the encumbrance certificate. It is for the petitioner to workout his remedy before the civil Court.

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

16.08.2024

NCC : Yes/No
Index : Yes/No
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To

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N.SATHISH KUMAR, J.

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