



W.P.(MD)No.20744 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20744 of 2024
and WMP(MD) No.17584 of 2024

Lakshmanan

... Petitioner

Vs

1. The District Registrar,
Ramanathapuram District.

2. The Sub Registrar,
Rameshwaram Sub Registrar,
Ramanathapuram District.

3. K.Palani

4. Maheshwari

5. Yaswanth

6. Pushbam

... respondentss

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to delete the entry from the encumbrance in Doc No. 1/2017 on the file of the 2nd respondents for restraining the 3rd to 5th respondents from



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registering the sale deed regarding property comprised at Survey no. 129/2A1A and 83/9A in Rameswaram Revenue Village, Ramanathapuram District by considering petitioner's representation, dated 05.08.2024.

For Petitioner : Mr. B.Mahendrarajan

For respondents : Mr.C.Satheesh

Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the 1st and 2nd respondents to delete the entry from the encumbrance in Doc No. 1/2017 on the file of the 2nd respondents for restraining the 3rd to 5th respondents from registering the sale deed regarding property comprised at Survey no. 129/2A1A and 83/9A in Rameswaram Revenue Village, Ramanathapuram District by considering petitioner's representation, dated 05.08.2024.

2.Heard Mr.B.Mahendrarajan, learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate appearing for the respondents. Perused the materials available on record.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. It is the contention of the petitioner that he has filed an application to set aside the ex-parte decree passed against him in O.S.No.51 of 2015, on the file of District Munsif Court, Rameshwaram and the same has been dismissed. Challenging the same, he has preferred a Civil Revision Petition before this Court in C.R.P(MD) No.1054 of 2024 and the same is pending. Hence, this petition has been filed to remove the entry in the said encumbrance certificate.

5.This Court is of the view that since the ex-parte decree passed against the petitioner is not yet set aside and still operating against the petitioner, the direction sought by the petitioner cannot be given. In the event, if the petitioner succeeds in the pending Civil Revision Petition, he can very well register the Court order before the concerned Authorities.

6.With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

NCC : Yes/No
Index : Yes/No
PNM



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2. The Sub Registrar,
Rameshwaram Sub Registrar,
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N.SATHISH KUMAR, J.

PNM

ORDER IN

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