



W.P(MD).No.21474 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21474 of 2024

Gridhar Manick

... Petitioner

Vs.,

1.The District Registrar,
Madurai South,
Mahal Road, Madurai-1.

2.The Sub Registrar,
I Joint Registrar Office,
Madurai South,
Mahal Road, Madurai -1.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to remove the entries of the documents in Documents in No.9949/2010, dated 19.11.2009 and No.425/2011 dated 20.01.2011 which have been declared as illegal by the judgment in O.S.No. 1074/2013 on the file of the learned Principal Subordinate Judge, Madurai, dated 30.11.2023 from the encumbrance certificate based on the petitioner's representation dated 11.06.2024 within the stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

This writ petition has been filed to direct the respondents to remove the entries of the documents in Documents in No.9949/2010, dated 19.11.2009 and No.425/2011 dated 20.01.2011, which have been declared as illegal by the judgment in O.S.No.1074/2013 on the file of the learned Principal Subordinate Judge, Madurai, dated 30.11.2023 from the encumbrance certificate based on the petitioner's representation dated 11.06.2024 within the stipulated time.

2. It is the case of the petitioner that the subject property in Survey No.220, Old Survey No.76 and 92(presently Survey No.220/1 and 220/2) to an extent of 3 acres 42 cents out of 5 acres 42 cents situated at Perungudi Village, Madurai Taluk, Madurai District, belongs to his father, who purchased the same from the legal heirs of one Chella Moopan vide Doc No.3709/1967 dated 27.03.1967. During his lifetime, he executed a Will bequeathing the property in favour of the petitioner, petitioner's mother and petitioner's two brothers equally. After the demise of the petitioner's father, his legal heirs, namely, the petitioner, his mother and two brothers are enjoying the subject property. While that being so, some unknown person had placed boundary stone in the subject property. In this regard, the petitioner has approached the second respondent and found that one Ramesh



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had registered a sale deed on 19.11.2010 in Doc.No.9949/2010 as if the petitioner's father sold the said property to him and subsequently, the said Ramesh sold the property to one Ramakrishnan vide doc.No.425 of 2011 dated 20.01.2011. The petitioner also filed a suit in O.S.No.1074 of 2013 before the learned Principal Subordinate Judge, Madurai, seeking for declaration that the aforesaid documents registered in favour of one Ramesh and Ramakrishnan are fraudulent, illegal and seeking for permanent injunction. The said suit was decreed in favour of the petitioner on 30.11.2023. Based on the said judgment and decree, he gave a representation dated 11.06.2024 to the respondents to remove the entries with regard to the aforesaid documents. But, no steps have been taken. Hence, the petitioner is before this Court.

3. At the outset, as the judgment and decree is operating in favour of the petitioner, the petitioner can very well register the said decree itself with the concerned Sub Registrar. That will take care of the earlier entries.

4. In such view of the matter, this Court directs the petitioner to present the judgment and decree obtained in his favour in O.S.No.1074 of 2013, dated 30.11.2023 for registration before the concerned Sub Registrar. On receipt of such presentation, the concerned Sub Registrar is directed to register the same.



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N.SATHISH KUMAR, J.

Rmk

5. With the above direction, the Writ Petition is disposed of. No costs.

10.09.2024

NCC : Yes/No

Index : Yes/No

Rmk

To

1.The District Registrar,
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Mahal Road, Madurai-1.

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I Joint Registrar Office,
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