



W.P.(MD)No.26655 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26655 of 2022

S.Aruldasan

... Petitioner

Vs.

1.The District Registrar (Administration),
District Registrar Office,
Thiruppathur Road,
Sivagangai - 630 561.

2.Thavamani

3.The Revenue Divisional Officer,
Sivagangai Town,
Sivagangai.

... Respondents

*(R3 is impleaded vide order dated.05.02.2024 in
W.M.P.(MD).1231 of 2024 in W.P.(MD).26655 of 2022
by VBSJ).*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to remove the wrong entries entered in the Encumbrance Certificate dated 23.12.2020 in Colum No. 21 as Doc.No.824 of 1988 by considering petitioner's representation dated 10.11.2022.



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For Petitioner : Mr.I.Arockiaselvaraj

For Respondents : Mrs.D.Farjana Ghoushia,
Spl. Government Pleader for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 and 3. Notice has not been issued to the second respondent.

2.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He also took me through the materials enclosed in the typed set of papers. I heard the learned counsel for the petitioner at considerable length. I regret to note that I am not able to understand what this case is all about. In any event, the prayer sought for by the petitioner cannot be granted. If an entry has been made in the encumbrance register, it cannot be removed. It is for the petitioner to obtain a declaration from the jurisdictional Civil Court that the entry was fraudulently made or the petition mentioned transaction never took place. If any such decree is passed in favour of the petitioner, the same can be duly registered by the registering authority.



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3. With this liberty to the petitioner, this writ petition is dismissed. No costs.

24.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The District Registrar (Administration),
District Registrar Office,
Thiruppathur Road,
Sivagangai - 630 561.
2. The Revenue Divisional Officer,
Sivagangai Town, Sivagangai.



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G.R.SWAMINATHAN, J.

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