



W.P(MD).No.26671 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.26671 of 2023

A D Hazara Begum

... Petitioner

Vs.,

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road, Chennai 600 028.

2.The District Registrar,
District Court Campus,
Pudukottai District.

3.The Sub Registrar,
Office of the Sub Registrar,
Illuppur Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 12.12.2022 with regard to the removal of sale certificate entries in Book No.I on the file of the Sub Registrar, Illuppur pertaining to the property bearing new Door.No.49 & 51, Old Door No.12D & 12B-1, Indian Saw mill & Adam Rice Mill, Irunthuraipatti, Illuppur Village, Pudukkottai District.



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For Petitioner : Mr.V.Karthikeyan
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of mandamus to direct the first respondent to consider the petitioner's representation dated 12.12.2022 with regard to the removal of sale certificate entries in Book No.I on the file of the Sub Registrar, Illuppur, pertaining to the property bearing new Door.No.49 & 51, Old Door No.12D & 12B-1, Indian Saw mill & Adam Rice Mill, Irunthuraipatti, Illuppur Village, Pudukkottai District.

2. It is the case of the petitioner that her property was given as security to the Indian Bank, Mannady Branch, to secure the credit limits availed by one Indian Timber and Saw Mills. Since the company was default in payment, the Bank filed O.A.No.89 of 2004 before the Deputy Recovery Tribunal-II, Chennai, for recovery of money and the said application was allowed as prayed for. Subsequently, the rice mill and the petitioner's property were brought for auction. One Palanisamy, who was the successful bidder, purchased the said properties and



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sale certificate was also issued in his favour, but the same was not registered due to non payment of stamp duty. In the meantime, the petitioner settled the amount to Palanisamy and document was also executed confirming the receipt of the sale consideration. Thereafter, the petitioner intended to cancel the sale certificate issued in favour of Palanisamy in respect of subject property and hence, she approached the Deputy Recovery Tribunal-II, Chennai. The tribunal has set aside the two sale certificates issued in favour of Palanisamy. Subsequently, the tribunal, has issued intimation letter to the Sub Registrar, Illupur, to cancel the sale certificate No.SSC 18-2009 No.SC 19-2009 issued in favour of auction purchaser/Palanisamy. In this regard, the petitioner also gave representation to the respondents. But, no action has been taken so far. Hence, the petitioner is before this Court.

3. Heard both sides and perused the materials available on record.

4. As the communication dated 05.01.2018 and 03.10.2018 in DRC No.46 of 2022 has already been sent by the Deputy Recovery Tribunal-II, Chennai, to the Sub Registrar, Illupur, with regard to cancellation of sale certificates in Nos.SC 18-2009 and SC 19-2009 issued in favour of one Palanisamy, this Court directs the



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Sub Registrar, Illupur, to make necessary entry in the encumbrance as per the communication dated 05.01.2018 and 03.10.2018 in DRC No.46 of 2022 of the tribunal. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

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

09.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

- 1.The Inspector General of Registration,
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Santhome High Road, Chennai 600 028.
- 2.The District Registrar,
District Court Campus,
Pudukottai District.
- 3.The Sub Registrar,
Office of the Sub Registrar,
Illuppur Pudukkottai District.



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N.SATHISH KUMAR,J.

Rmk

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