



W.P.(MD)No.29055 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.29055 of 2024

K.Sachithananandam

...Petitioner

-Vs-

1.The Inspector General of Registration,
No.100, Santhome Road,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
Palayankottai,
Tirunelveli.

3.The District Registrar,
District Registration,
Nagarcoil,
Kanniyakumari District.

4.The Sub Registrar,
Sub Registrar Office,
Kottaram,
Kanniyakumari District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, direct the 3rd and 4th respondent herein to consider the petitioner representation dated 09.10.2024 to deletion of the Portion of the content of Surety property in the entry of E.C with respect to the document bearing No.1195/2007, dated 26.03.2007 on the file of 4th respondent herein.



W.P.(MD)No.29055 of 2024

For Petitioner : Mr.S.Ramasamy
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed for a direction, directing the respondents 3 and 4 to consider the representation submitted by the petitioner seeking to deletion of the portion of the content of survey property comprised in S.No.189/5 situated at Leepuram, Kanyakumari.

2.The petitioner has owned the property comprised in S.Nos.189/5 and 221/11 situated at Leelapuram, Kanayakumari District by registered sale deed dated 26.03.2007 in favour of one Stephen and sold out the entire property. It was registered vide document No.1195/2007. The petitioner has submitted a representation to delete the entry in the encumbrance certificate in respect of the property comprised in survey No.189/5 to an extent of 52.45 cents situated at Leelapuram, Kanyakumari District.

3.A perusal of the sale deed dated 22.03.2007 executed by the petitioner in favour of one Stephen reveals that the property comprised in S.No.189/5 is stated to the head of Jamia Property. The petitioner claims that it was given for security purpose. Therefore, once again, the petitioner claims the said property in his favour by deletion of the entry made in the encumbrance certificate.



W.P.(MD)No.29055 of 2024

4.The Jamia property means, it is Poromboke land. However, it was already sold out in favour of one Stephen. Now the petitioner claims the very same property, as if, it was stated as Security purpose in the sale deed and as such, he submitted a representation to remove the entries made in the encumbrance certificate. Admittedly, the property was sold out in favour of one Stephen and by mere representation, the said entry cannot be cancelled.

5.That apart, the registering authority has no power or authority to make any deletion in the register. Once the sale deed executed in favour of the third party in respect of the subject property, it has to be challenged before the civil Court in the manner known to law or to execute the rectification deed along with the purchaser. Therefore, the representation submitted by the petitioner cannot be considered, and the writ petition is itself devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

04.12.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



WEB COPY



W.P.(MD)No.29055 of 2024

G.K.ILANTHIRAIYAN. J,

RJR

To

1.The Inspector General of Registration,
No.100, Santhome Road,
Chennai - 600 028.

2.The Deputy Inspector General of Registration,
Palayankottai, Tirunelveli.

3.The District Registrar,
District Registration,
Nagarcoil, Kanniyakumari District.

4.The Sub Registrar,
Sub Registrar Office,
Kottaram, Kanniyakumari District.

W.P.(MD)No.29055 of 2024

04.12.2024