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WP No. 7232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

W.P No. 7232 of 2025

K.Jayaprakash
S/o.Kodiswaran, No.6/1628a, Kalyaaniyar
Thottam, Mummudi Village, Thalaivasal
Taluk, Salem District

... Petitioner

Vs

1. The District Registrar
Office Of The District Registrar, Salem District.

2.The Sub Registrar
Office Of The SRO, Thalaivasal Sro, Salem District

.... Respondents

PRAYER

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to make necessary foot note in the encumbrance certificate with regard to document No.61 of 1987 dated 3.2.1987 by conducting proper enquiry on the petitioners representation dated 29.1.2025 within a time frame.

For Petitioner : A.Rajakumar

For Respondents : Mr.U.Baranidharan
Special Government Pleader
for RR 1 and 2



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ORDER

This writ petition has been filed for the issuance of a writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 29.01.2025, wherein the petitioner has sought for the deletion of the footnote that was made in the Encumbrance Certificate with respect to Document No.61 of 1987 dated 03.02.1987.

2. Heard Mr.A.Rajakumar, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for the respondents.

3. The case of the petitioner is that he purchased the subject property measuring an extent of 2.31 acres in S.No.130/10A and S.No.130/1C in Mummudi Village, Thalaivasal Taluk, Salem District. This property was purchased through registered sale deed dated 28.10.2024 registered as Document No.3510 of 2024. After the purchase, the revenue records were also mutated in the name of the petitioner and Patta No.2454 was issued in the name of the petitioner.



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3. The grievance of the petitioner is that he came to know about a sale agreement which was executed in the year 1987, which was registered as Document No.61 of 1987 dated 03.02.1987, which was entered into between one Ayyamperumal and three others. While executing that sale agreement, the extent was wrongly entered as 2 acres and 35 cents instead of 32 cents. The petitioner wanted the correction to be made by reflecting the exact extent. Hence, he made a representation to the first respondent seeking to make the necessary correction in the footnote made in the Encumbrance Certificate. Since the same was not considered, the present writ petition has been filed before this Court.

4. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, it is quite apparent from the sale deed executed in favour of the petitioner that the petitioner is the owner of the property measuring an extent of 2.32 acres. The patta also stands in the name of the petitioner. A wrong entry that was made in the agreement of sale which was entered into at some earlier point of time and which never fructified cannot stand in the way of the



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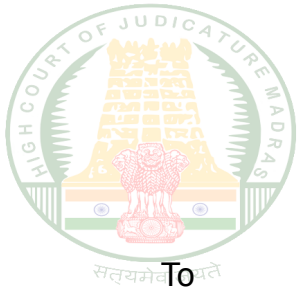
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extent of the property over which the petitioner is claiming right and title. In other words, such entry that was made in the Encumbrance Certificate when the sale agreement was entered into in the year 1987 cannot in any way take away the right and title of the petitioner under the sale deed dated 28.10.2024. If this clarity is given, it will sufficiently take care of the grievance expressed by the petitioner. There is no scope for directing the first respondent to make the necessary correction in the Encumbrance Certificate. The entry made in the Encumbrance Certificate was based on the extent that was mentioned in the sale agreement and there is no power available to the registering authority to make corrections in the Encumbrance Certificate since such power is not conferred under the Registration Act.

5. In the light of the above discussion, the writ petition is disposed of in the above terms. No costs.

07-03-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
KST



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1.The District Registrar

Office Of The District Registrar, Salem
District

2.The Sub Registrar

Office Of The Sro, Thalaivasal Sro, Salem
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N.ANAND VENKATESH J.

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