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W.P.No.9460 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.9460 of 2025

S.Shaik Mohideen

.... Petitioner

Vs

The Sub Registrar
Sub Registrar Office
Office of Joint-1 North Chennai
Chennai - 600 001.

.... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to make an entry in the encumbrance certificate with respect to the agreement of sale dated 11.01.2014 within a time frame limit as fixed by this Court.

For Petitioner : Mr.D.Gopal Pandi

For Respondent : Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed for issue of Writ of Mandamus directing the respondent to make an entry in the Encumbrance Register with respect to agreement of sale that was entered into by the petitioner on 11.01.2024 within



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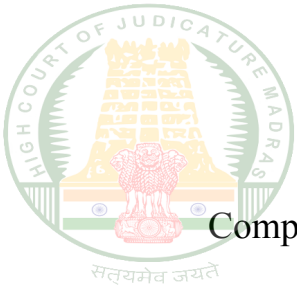
a time frame fixed by this Court.

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2. Heard Mr. D.Gopal Pandi, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for respondent.

3. The relief as sought for by the petitioner is wholly unsustainable. The specific case of the petitioner is that he had entered into an agreement of sale dated 11.01.2024 and paid a substantial amount as advance. In spite of the same, the vendor was not coming forward to execute a sale deed in favour of the petitioner and he proceeded to execute a sale deed dated 19.12.2024 in favour of a third party which was also registered as Document No.448 of 2024. In view of the same, the petitioner wants a direction to be issued to the respondent to make an entry in the Encumbrance Register to the effect that there is a subsisting sale agreement that stands in the name of the petitioner.

4. While issuing a Writ of Mandamus, the petitioner has to establish a enforceable legal right and there must be a corresponding legal duty on the part of the authorities. The petitioner is an agreement holder and if the vendor does not come forward to execute a sale deed, the petitioner has to approach the



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Competent civil Court seeking for the relief of specific performance. Instead, the petitioner is seeking for a direction to the respondent to make an entry in the Encumbrance Register to the effect that the petitioner has a sale agreement in his name. The petitioner does not have any legal right to seek for such a relief. The entire writ petition is misconceived.

5. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted and it is left open to the petitioner to approach the civil Court and work out the remedy in the manner known to law.

6. The writ petition is disposed of in the above terms. No costs.

20.03.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

ds

To:

The Sub Registrar
Sub Registrar Office
Office of Joint-1 North Chennai
Chennai - 600 001.

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