



W.P.(MD)No.1249 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.1249 of 2025

N.Selvi

... Petitioner

- Vs. -

1. The District Registrar
O/o. the District Registrar,
171, Palace Road,
Madurai 625 001

2. The Sub Registrar O/o. the Sub Registrar,
Nagamalai Puthukkottai,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to make an entry in the Encumbrance Certificate to restore the clear status of title in favour of the petitioner for Survey No. 111/4B, situated in Ponmeni Village, Madurai and to pass suitable orders in the above matter on merits in accordance with law within time stipulated by this Court.

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

ORDER

This writ petition has been filed for a direction directing the second respondent to make an entry in the Encumbrance Certificate to



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restore the clear status of title in favour of the petitioner for Survey No. 111/4B, situated in Ponmeni Village, Madurai and to pass suitable orders in the above matter on merits in accordance with law within time stipulated by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner borrowed loan by mortgaging the property in Survey No. 111/4B, situated in Ponmeni Village, Madurai, with one Chandra. Subsequently, the petitioner committed default in re-payment of loan. The said Chandra filed a suit in O.S.No.499 of 2009 for recovery of money on the file of the Principal Sub Judge, Madurai. In the interlocutory application, attachment order was issued by the civil court and the same was endorsed in the encumbrance of the subject property. Subsequently, the petitioner has settled the entire loan and the suit was also dismissed. Therefore, the petitioner submitted a representation to make an entry in the encumbrance certificate to clear the status of the



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title. The petitioner ought to have approached the civil court to raise the attachment in view of the settlement made to the lender and obtained an appropriate order to raise the attachment order. Therefore, the representation of the petitioner to make an entry in the encumbrance certificate cannot be considered. This Writ Petition is liable to be dismissed and the same is dismissed. No costs.

20.01.2025

Index : Yes / No
NCC : Yes / No
CM



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G.K.ILANTHIRAIYAN, J.

CM

TO:-

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Order made in
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