



W.P (MD).No.2783 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

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

W.P (MD).No.2783 of 2025

V.Raja

.... Petitioner

Vs

1.The Sub Registrar,
O/o.The Sub Registrar Office,
Thiruparankundram,
Madurai District.

3.K.Chellaiah

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to consider and pass orders to remove the entries in the Encumbrance Certificate (Agreement Deed) Doc No.671/2024 dated 05.02.2024 in Patta No.23811, re-survey No.20/2B situated at Thankankulam Village, Madurai District based on the petitioner's representation dated 18.10.2024 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.S.P.Naveenkumar

For R1 : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

This writ petition has been filed for a direction directing first respondent to remove the entries in the Encumbrance Certificate in respect of the property comprised in re-survey No.20/2B, situated at Thankankulam Village, Madurai District insofar as the agreement for sale deed registered vide document No.671/2024, dated 05.02.2024.

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

3. The petitioner owned the property comprised in re-survey No. 20/2B, situated at Thankankulam Village, Madurai District. The petitioner and his brother jointly purchased the said property. While being so, the petitioner and his brother intended to sell the subject property and entered into agreement with the second respondent. As per the terms and conditions of the agreement, advance amount was paid. The said agreement of sale was presented for registration and the same was registered vide Doc. No.627 of 2024. However, the second respondent failed to pay the balance sale consideration and the petitioner could not deal with the property for pendency of the



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agreement of sale. However, the agreement for sale is registered one.

Therefore, the entry cannot be removed unless cancellation of agreement for sale or by way of declaration declaring that the agreement for sale is null and void by the competent Court. Further, the pendency of the agreement for sale is not impediment for the petitioner to deal with the subject property.

4. With the above observation, the writ petitioner is disposed of. No

costs.

Internet : Yes

Index : Yes/No

Speaking/Non Speaking order
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30.01.2025

To

The Sub Registrar,
Thiruparankundram,
Madurai District.



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G.K.ILANTHIRAIYAN, J.

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