



W.P(MD)No.20597 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.20597 of 2025

Russelraj

... Petitioner

Vs

1. The District Registrar,
Kulithurai Sub-Registrar Office,
Marthandam Registration District,
Marthandam Post,
Kanniyakumari District.

2. The Sub-Registrar,
Munchirai Sub-Registrar Office,
Kanniyakumari District.

3. Lenin

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to remove the encumbrance reflected with regard to the land in Sy.No. 506/23, Keelkulam Village, Kalkulam Taluk, Kanniyakumari District, to an extent of 10.447 cents in connection with the Document No. 1166 of 2014 on the file of the second respondent based on the judgment passed in O.S.No. 182 of 2015 on the file of the Sub-Court, Padmanabapuram, by considering petitioner's representation dated 30.12.2024.



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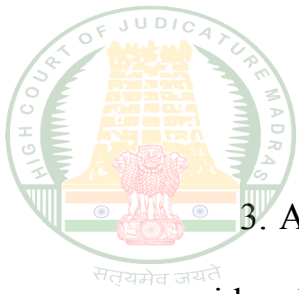
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For Petitioner : Mr.P.T.Ramesh Raja
For R-1 & R-2 : Mr.S.Kameshwaran
Government Advocate

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the first respondent to remove the encumbrance reflected with regard to the land in Survey No. 506/23, Keelkulam Village, Kalkulam Taluk, Kanniyakumari District, to an extent of 10.447 cents in connection with the Document No. 1166 of 2014 on the file of the second respondent based on the judgment passed in O.S.No.182 of 2015 on the file of the Sub-Court, Padmanabapuram, by considering petitioner's representation dated 30.12.2024.

2. The petitioner had entered into a sale agreement with the third respondent. Since the agreement did not culminate into a sale deed, a suit in O.S. No.182 of 2015 was filed before the Sub Court, Padmanabapuram. In the said suit, a judgment and decree was passed directing the petitioner to return the advance amount and the suit was ended in favour of the petitioner. Therefore, the petitioner is now seeking to remove the entry of a sale agreement based on the judgment and decree passed in O.S.No.182 of 2015.



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3. After considering the submissions of the petitioner, this Court is of the considered opinion that since the suit ended in favour of the petitioner, wherein the relief of specific performance was not granted to the plaintiff/third respondent and the petitioner was only directed to return the advance amount, the entry based on the agreement of sale ought to be deleted. Therefore, the official respondents after issuing notice to the third respondent, are directed to delete the entry of a sale agreement in the light of judgment and decree passed in O.S.No.182 of 2015 and also based on the proof of repayment of the advance amount. The said exercise shall become completed within a period of four (4) weeks from the date of receipt of a copy of this order.

4. With the above said directions, this Writ Petition is allowed. There shall be no order as to costs.

29.07.2025

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

jbr



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S.SRIMATHY, J.

jbr

To:

1. The District Registrar,
Kulithurai Sub-Registrar Office,
Marthandam Registration District,
Marthandam Post,
Kanniyakumari District.
2. The Sub-Registrar,
Munchirai Sub-Registrar Office,
Kanniyakumari District.

ORDER MADE IN
W.P(MD)No.20597 of 2025

DATED : 29.07.2025