



Order dated 19.10.2023
in W.P.No.30275 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.10.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30275 of 2023

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Iyyandurai
Petitioner

..

Vs.

1. Inspector General of Registration,
100 Santhome High Road,
Chennai-600 028.
2. Deputy Inspector General of Registration,
Integrated Building Complex,
Kumaragiri Bypass Road,
Near Kailash Manasarovar CBSE School,
Near Udayapatty Power House,
Ammamet, Salem-636 014.
3. District Registrar,
No.313, 3rd Floor,
District Registration Office campus,
Kottai Main Road, Salem-636 001.
4. Sub-Registrar,
Sub-Registrar Office,
Tharamangalam-Nangavalli Road,
Tharamangalam,
Salem, Tamil Nadu - 636 502.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus to direct the fourth respondent to



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alter and update the Encumbrance Certificate for Survey Numbers 155/1F, 155/1H, 155/1K1, 183/2G1, 186/2G1, 186/2A, 186/2D, which is located in Pappambadi Village under the SRO Jurisdiction of Tharamangalam, Salem District in the name of the petitioner.

For petitioner : Mr.G.S.saranya Bai for M/s.Rajendra Law Office LLP
For respondents: Mr.Yogesh Kannadsan, Spl.G.P.

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the fourth respondent to alter and update the Encumbrance Certificate for Survey Numbers 155/1F, 155/1H, 155/1K1, 183/2G1, 186/2G1, 186/2A, 186/2D, which is located in Pappambadi Village under the SRO Jurisdiction of Tharamangalam, Salem District in the name of the petitioner.

2. The case of the petitioner is that an Original Suit in O.S.No.317 of 2005 was filed for permanent injunction against the petitioner and his father Chinnasamy, who had executed a settlement deed dated 17.02.1988 for the properties situated in Salem District, Omalur Taluk, Pappampadi Village, comprised in S.Nos.155/1F, 155/1H, 155/1K1, 183/2G1, 186/2A and 186/2D and registered as Doc.No.159 of 1988 on the file of the Sub-Registrar,



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Tharamangalam. The petitioner's father unilaterally cancelled the settlement deed dated 17.02.1988 in respect of the above said properties by executing a cancellation deed, dated 26.10.2005 and registered as Doc.No.2413 of 2005 on the file of the Sub-Registrar Office, Tharamangalam and thereby executed a sale deed dated 28.10.2005 and registered as Doc.No.2653 of 2005 in favour of the plaintiffs to the suit (Thangamani and Valarmathy) in the said suit in O.S.No.317 of 2005 filed before the District Munsif Court, Omalur. The said suit was dismissed on 02.03.2022 and the Court invalidated the cancellation deed executed by the petitioner's father and registered as Document No.2413 of 2005 on the file of the Sub-Registrar Office, Tharamangalam. The petitioner filed a caveat petition on 16.06.2023 before the Appellate Side of this Court, which has been registered as Caveat No.3830 of 2023. It is further stated by the petitioner that the plaintiffs in O.S.No.317 of 2005 did not prefer any appeal against the said dismissal of the suit. The Encumbrance Certificate for the above said survey numbers did not reflect the petitioner as the rightful owner as per the order passed in the said suit. Hence, the petitioner sent a representation to the fourth respondent along with a copy of Certificate of Encumbrance of the property, the final order copy in O.S.No.317 of 2005, sale deed with S.Nos.14433/14.11.2005/3.20, cancellation deed, vide 12851/3.10.2005/3.20 on 21.06.2023 and the same was acknowledged by the fourth respondent on



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23.06.2023. As no action was taken, the petitioner sent a representation to the respondents 1, 2 and 3 with the enclosures, which was acknowledged on 01.08.2023. In spite of receipt of those representations on 03.08.2023, 04.08.2023 and 04.08.2023, no action had been taken by the respondents 1 to 3 also. Hence, the petitioner is before this Court.

3. In the above context, it is to be stated that unless the unilateral cancellation of settlement deed and the sale deed in favour of Thangamani and Valarmathy, are declared as invalid, the petitioner cannot challenge the same. Therefore, in the above circumstances, the petitioner has filed the present Writ Petition, which is liable to be dismissed. Accordingly, the writ petition is dismissed. It is open for the petitioner to work out his remedy in the manner known to law. There shall be no order as to costs.

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Index: Yes/no

Speaking Order: Yes/no

Neutral Citation: Yes/no

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WEB COPY

To

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