



WP(MD)No.12377 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.12.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.12377 of 2021

and

W.M.P.(MD)No.9720 of 2021 and 6225 of 2023

D.Nagarajan

...Petitioner

/Vs./

- 1.The Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The District Registrar,
Registration Department, Dindigul District.
- 3.The Sub-Registrar Joint II,
Sub-Registrar Office, Dindigul.
- 4.Nallaperumal @ Raja
- 5.Balasubramanian @ Kannan
- 6.Chinthamaniammal
- 7.M.S.Maheswari
- 8.Vijayalakshmi
- 9.N.Marivel
- 10.James
- 11.M.P.Chandrasekar

...Respondents



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PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records from the 2nd respondent in proceedings in R.C.NO.1700/B3/2018-3 dated 23.04.2018 and O.Mu.No.847/Aa3/2021 dated 09.02.2021 and proceedings passed by 3rd Respondent in No.4/2021 dated 08.02.2021 and to quash the same as illegal and contrary to law and consequently to direct the Respondents 1 to 3 to delete all the fraudulent entries detailed hereunder made at the instance of Respondents 4 to 11 which are exhibited as Encumbrances Deed dated 25.09.2009 registered as Document No.5504 of 2009, deed dated 18.12.2009 registered as Document No. 7359 of 2009, deed dated 18.03.2010 registered as Document No. 1884 of 2010, deed dated 05.12.2012 registered as Document No.7999 of 2012, deed dated 12.12.2012 registered as Document No.8181 of 2012, deed dated 22.08.2012 registered as Document No.234 of 2012, deed dated 09.11.2012 registered as Document No.7497 of 2012 and the sale deed dated 04.10.2019 registered as Document No.5613 of 2019 in respect of properties covered in Survey Nos. 760/1, 760/3, 760/4, 760/6, 760/7, 761/1 and 761/2 in Kuttathupatti Village, Dindigul District.

For Petitioner : Mr.A.R.Sethupathy

For Respondents : Mr.A.K.Manikkam (R1 to R3)

Special Government Pleader

Mr.K.Guhan (R4)

Mr.V.Karthikraja (R9)

for M/s.Ajmal Associates

No appearance (R5 to R8 & R10, R11)



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ORDER

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This writ petition has been filed challenging the proceedings of the 2nd respondent in proceedings in R.C.NO.1700/B3/2018-3 dated 23.04.2018 and O.Mu.No.847/Aa3/2021 dated 09.02.2021 and the proceedings passed by 3rd Respondent in No.4/2021 dated 08.02.2021 and to quash the same as illegal and contrary to law and for a consequential direction to the respondents 1 to 3 to delete all the fraudulent entries detailed hereunder made at the instance of Respondents 4 to 11, which are exhibited as Encumbrances Deed dated 25.09.2009 registered as Document No.5504 of 2009, deed dated 18.12.2009 registered as Document No. 7359 of 2009, deed dated 18.03.2010 registered as Document No. 1884 of 2010, deed dated 05.12.2012 registered as Document No.7999 of 2012, deed dated 12.12.2012 registered as Document No.8181 of 2012, deed dated 22.08.2012 registered as Document No.234 of 2012, deed dated 09.11.2012 registered as Document No.7497 of 2012 and the sale deed dated 04.10.2019 registered as Document No.5613 of 2019 in respect of properties covered in Survey Nos.760/1, 760/3, 760/4, 760/6, 760/7, 761/1 and 761/2 in Kuttathupatti Village, Dindigul District.

2. Heard Mr.A.R.Sethupathy, learned counsel appearing for the petitioner, Mr.A.K.Manikkam, learned Special Government Pleader for the



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respondents 1 to 3, Mr.K.Guhan, learned counsel for the fourth respondent, Mr.V.Karthikraja, learned counsel for the ninth respondent.

3. The case of the petitioner is that his mother had purchased an extent of 6 acres 30 cents in Survey Nos.760/1, 760/3, 760/4, 760/6, 760/7, 761/1 and 761/2 by virtue of a registered sale deed dated 01.12.1988. Even after the subject properties were conveyed in favour of the petitioner's mother, there were various civil proceedings initiated by the private respondents and ultimately, the title of the petitioner's mother was upheld by virtue of the judgment and decree made in A.S.No.64 of 2002, dated 19.10.2005, on the file of the Additional Sub Court, Dindigul. By virtue of this decree, the will that was relied upon by the respondents 4 and 5 was also upheld. Thereby the properties that were covered under the will and which was described under Schedule 'A' in the suit was also upheld. This judgment and decree became final, since the second appeal was dismissed at the condone delay stage on 07.10.2020. Thereby, it is contended that the respondents 4 and 5 will be entitled to the properties, except the properties that were covered under the sale deed executed by the 6th respondent in favour of the petitioner's mother.



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4. The grievance of the petitioner is that even subsequent to the judgment and decree of the civil Court, an attempt was made to create a clog on the title of the petitioner. Hence, the petitioner made a representation for removing the entries made in the encumbrance certificate pertaining to those documents. Since the same was rejected, the present writ petition has been filed before this Court.

5. In the considered view of this Court, it will suffice if a direction is given to the third respondent to deal with the representation made by the petitioner in line with the judgment of this Court in the case of ***S.R.M.Packirirajan Vs. Inspector General of Registration and Others*** reported in ***2021 (5) MLJ 220*** and the Circular that was issued by the Inspector General of Registration, pursuant to this judgment through Letter No.20217/U1/2021 dated 09.07.2021. This will sufficiently take care of the grievance expressed by the petitioner.

6. In the result, there shall be a direction to the petitioner to make a fresh representation to the Joint Sub Registrar II, Dindigul, namely the third respondent in this writ petition seeking for the removal of the entries made in the encumbrance certificate pertaining to certain documents. On receipt of this



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representation, the third respondent shall issue notice to the respondents 4, 5 and 9 and take a final decision within a period of eight weeks from the date of receipt of a copy of this order. While undertaking this exercise, the third respondent shall act in line with the judgment of this Court in the case of ***S.R.M.Packirirajan Vs. Inspector General of Registration and Others*** reported in ***2021 (5) MLJ 220*** and the Circular that was issued by the Inspector General of Registration, pursuant to this judgment through Letter No.20217/U1/2021 dated 09.07.2021.

7. This writ petition is disposed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

20.12.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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TO:-

WEB COPY

- 1.The Sub Registrar,
Sub Registration Office,
Panagudi,
Tirunelveli District.
- 2.The District Registrar,
District Registration Office,
Tirunelveli District.



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.12377 of 2021

Dated:
20.12.2023