



WEB COPY



WP.No.8953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.8953 of 2024

M.S.Raghavendran

.. Petitioner

Versus

1.The Inspector General of Registration
Santhome, Chennai

2.The District Registrar (Administration)
District Registration Office
Krishnagiri – 635 001

3.The Joint I, Sub Registrar
Krishnagiri

4.S.Narasimha Rao

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the entry of the sale agreement dated 18.06.2018 from the encumbrance in the file of 3rd respondent or making necessary entry that the sale agreement is cancelled by way of satisfying the decree amount.

For Petitioner : Dr.G.Babu

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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2. The grievance of the writ petitioner is that the petitioner has executed a sale agreement on 18.06.2018 and the same has been registered on the file of the third respondent/Sub Registrar. Pursuant to the agreement, the agreement holder has filed a suit for specific performance in O.S.No.105 of 2019 on the file of the Additional District Judge, Krishnagiri. By decree and judgment dated 30.04.2021, the Additional District Judge, Krishnagiri has negatived the relief of specific performance, however, directed the petitioner to refund the advance amount. According to the writ petitioner, the said amount is paid and E.P. proceedings is also terminated. Thereafter, when he made a representation to the respondent to remove the entry in the encumbrance, the same has not been considered.

3. The learned Special Government Pleader for the respondent submitted that since the first proviso to Rule 55-A of the Tamil Nadu Registration Rules



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is struck down by this Court in the case of *The Federal Bank Ltd vs. The Sub Registrar and others* made in *W.P.No.2758 of 2023*, by order dated *08.02.2023*, there is no bar for dealing with the property.

4. Be that as it may, this Court though struck down the first proviso to Rule 55-A of the Tamil Nadu Registration Rules, the fact remains that when the sale agreement is nullified by the Civil Court and not enforced, allowing the entry in encumbrance will have a serious consequences and in fact will affect the rights of the petitioner to deal with the property. Though there may not be a bar under law to deal with the property merely on the registration of the sale agreement, the fact remains that since the entry is reflected in the encumbrance, it will have a serious consequence.

5. Such view of the matter, the respondent is directed to remove the entries relating to the sale agreement and make a note in the encumbrance to the effect that agreement dated 18.06.2018 is not enforced in view of the decree and judgment dated 30.04.2021 in O.S.No.105 of 2019 on the file of Additional District Judge, Krishnagiri. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this Order.



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6. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

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N. SATHISH KUMAR, J.

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