



W.P.No.10770 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24..04..2024

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.10770 of 2024

Abhaimathi @ Abhayadevi

..Petitioner

VS

1.The District Registrar,
Administration,
District Registrar's Office,
Veera Raghava Nagar,
Tiruvallur 602 001.

2.The Sub Registrar,
Poonamallee,
Chennai 600 056.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 01.11.2023 seeking for removal of the entry "False Registration" found entered in the encumbrance certificate in respect of the petitioner's property comprised in Old Survey No.115/85, as per Patta No.2071, New Survey No.1350/10B, Poonamallee Village, Tiruvallur District, measuring an extent of 3.00 cents, as against her sale deed dated 26.10.2006, registered as Doc.No.2349/2006 on the file of Sub Registrar, Poonamallee, within a reasonable time as may be fixed by this Court.



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For Petitioner : Mr.A.E.Ravichandran
For Respondents : Mr.P.Kumaresan,
Additional Advocate-General
assisted by
Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the 1st respondent to consider the petitioner's representation dated 01.11.2023 seeking removal of the entry “False Registration” made in the encumbrance certificate in respect of the petitioner's property comprised in Old Survey No.115/85, as per Patta No.2071, New Survey No.1350/10B, Poonamallee Village, Tiruvallur District, measuring an extent of 3.00 cents, as against her sale deed dated 26.10.2006, registered as Doc.No.2349/2006 on the file of Sub Registrar, Poonamallee, within a reasonable time as may be fixed by this Court.

2. Although the writ petition is listed today for admission, by consent of either party, writ petition itself is taken up for final disposal.

3. It is the case of the petitioner that she is the absolute owner of the landed property measuring an extent of 1110 square feet (3 cents) comprised in Old Survey No.115/85, New S.No.1350/10B at



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Poonamallee village, Tiruvallur District, having purchased the same along with her husband from one Pannerselvam through sale deed dated 26.10.2006 registered as Doc.No.2349 of 2006 on the file of the Sub Registrar, Poonamallee. However, based on the representation of one Tajuddin, the District Registrar has held that the registration of document was fraudulent by going into the question of title over the subject property. Therefore, such entry made in the Encumbrance Certificate pursuant to the order of the District Registrar concerned should be removed.

4. The learned Additional Advocate General would, on instructions, submit that as against the finding of the District Registrar, an appeal has been preferred before the Deputy Inspector General of Registration, who in turn, being appellate authority has held that there is a serious dispute over title, which can be adjudicated upon only by the civil court. Such a finding made by the Deputy Inspector General of Registration is found recorded in the Encumbrance Certificate.

5. This court has been consistently holding that the District Registrars have no power to go into the question of title over the property in issue. In such view of the matter, this court is of the view that the finding that registration of document under Doc.No.2349 of 2006 on the



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file of the Sub Registrar, Poonamallee is fraudulent one has to be removed from the Encumbrance Certificate and therefore, the entry made in the encumbrance certificate pursuant to the finding of the District Registrar based on the representation of Tajuddin that the registration of document was fraudulent has to be removed. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this order. The Inspector General of Registration is directed to pass appropriate order for the removal of such entry made in the registers maintained at the office of the registering authority concerned.

This writ petition is disposed of with the above directions. No costs.

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Index :Yes/No
Neutral Citation :Yes/No
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To

1.The District Registrar, Administration, District Registrar's Office,
Veera Raghava Nagar, Tiruvallur 602 001.

2.The Sub Registrar, Poonamallee, Chennai 600 056.



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N.SATHISH KUMAR,J.

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