



WEB COPY



W.P. No.25154 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25154 of 2021

G.S.Krishnan

... Petitioner

Vs

1.The Inspector General of Registration
Santhome, Chennai - 600 004

2.The Sub Registrar
Pammal SRO
Thiruneermalai Road
Pammal, Chennai - 600 075

3.M/s.Pioneer Leather Apparels Private Limited
Represented by its Directors
No.18, Morrison 5th Street
Alandur, Chennai - 600 016

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in his proceedings in No.2054/U1/2019 dated 8.10.2020, quash the same and thereby direct the 1st respondent to take action against the 2nd respondent under Sections 81 and 82 of the Registration Act and thereby direct



W.P. No.25154 of 2021

the 2nd respondent to make necessary endorsements in Book-I relating to Document No.6237/2018 SRO, Pammal.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.L.S.M.Hasan Fizal
Addl. Govt. Pleader for R1 & R2
Mr.S.K.Rameshwar for R3

ORDER

Challenging the impugned order passed by the 1st respondent vide proceedings in No.2054/U1/2019 dated 8.10.2020 this writ petition has been filed. The petitioner has also sought a direction to the 2nd respondent to make necessary endorsements in Book-I relating to Document No.6237/2018 on the file of SRO, Pammal.

2. It is the case of the writ petitioner that he has advanced a sum of Rs.6.81 Crores to one Deenadayalan and others. They created an equitable mortgage. Besides, they also executed pro-notes, confirmation of balance outstanding and other documents. The original deed has been deposited with the writ petitioner. Thereafter, they evaded payment and hence the petitioner filed a suit before this court in C.S. No.532 of 2018 for recovery of a sum of



W.P. No.25154 of 2021

Rs.6,81,01,239/- and also filed an application in A. No.6003 of 2018 for an order of attachment before judgment. Notice has been ordered in the said application to Deenadayalan and others and ultimately, this court has passed an order of attachment on 17.09.2018.

3. After the institution of the suit, the properties have been sold. Therefore, according to the petitioner, when the original document was with him, a missing certificate has been obtained from police and a document has been executed. Therefore he seeks cancellation of the document. An action is also sought against the Sub Registrar. The said application was rejected by way of the impugned order holding that no registered mortgage deed has been executed in favour of the petitioner. Further, the attachment order passed by this court is not related to the subject property registered. Challenging the said order, the present writ petition has been filed.

4. A Counter has been filed by the third respondent to the effect that they are innocent purchasers, after making due diligence. That apart, now a suit is also pending in O.S. No.25 of 2019 on the file of District Munsif and Judicial



W.P. No.25154 of 2021

Magistrate, Sriperumpudur against the third respondent company for cancelling certain documents.

5. Heard both sides and perused the materials available on record.

6. At the outset, this court is of the view that the impugned order does not require any interference for the simple reason that, it is the grievance of the writ petitioner that he has advanced some amount based on certain documents. However, there is no registered document to evidence the alleged mortgage by deposit of title deeds. At any event, based on such documents, unless unsecured loan as crystallised by way of any decree or any order of the court, mere unregistered document will not give any protection to the party to prevent any transaction in respect of the immovable property. In such view of the matter, as the attachment order is also relating to some other survey number and it is passed only on 17.09.2018, much after the sale deed, at this stage, this court is of the view that the registering authority cannot be directed to cancel the document. As the suit is already pending between the parties for cancellation of the sale deed, let the writ petitioner agitate his grievance in the pending suit.



W.P. No.25154 of 2021

WEB COPY

7. With the above observation, the writ petition is dismissed. However, there is no order as to costs.

08.07.2024

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Inspector General of Registration
Santhome, Chennai - 600 004

2.The Sub Registrar
Pammal SRO
Thiruneermalai Road
Pammal, Chennai - 600 075

3.The Government Pleader
High Court, Madras

N.SATHISH KUMAR, J.



WEB COPY



W.P. No.25154 of 2021

Ast

W.P. No.25154 of 2021

08.07.2024