



W.P.No.24168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.24168 of 2024

and

W.M.P.Nos.26422 and 26423 of 2024

The Madras City Co-operative
Buildings Society Limited,
Represented by its Secretary,
G.Tamizhselvi.

... Petitioner

Vs.

1. The Inspector General Registration,
Santhome High Road,
Pattinapakkam,
Chennai – 600 028.
2. The District Registrar (Administration),
North Madras,
Chennai – 600 104.
3. The Sub-Registrar,
Ambattur,
Chennai – 600 053.
4. Easaiya
5. M.Suresh Kumar
6. G.P.Homes Pvt Ltd.,
Represented by its Managing Director.



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7. The Real Estate Regulatory Authority,
Tamil Nadu, CMDA Tower-II,
No.1A, 1st Floor, Gandhi Irwin Bridge Road,
Chennai – 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent herein in Letter No.1338/A5/2023 dated 04.09.2023 and quash the same and consequently direct the 4th Respondent herein to delete all the entries made thereon in the encumbrance certificate.

For Petitioner	: Mr.R.S.Anandan
For Respondents	:
For R1 to R3	: Mr.P.Harish Government Advocate
For R4 to R6	: Mr.R.Vasudevan
For R7	: Not ready in notice

ORDER

This Writ Petition has been filed for a Certiorarified Mandamus to call for the records of the 2nd Respondent herein in Letter No.1338/A5/2023 dated 04.09.2023 and quash the same and consequently direct the 4th Respondent herein to delete all the entries made thereon in the encumbrance certificate.



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2. The cancellation of the Sale Deed in favour of the Petitioner Society under a registered Document No.4666 of 2004 dated 16.04.2004 was on the strength of the provisions of Section 77-A of the Registration Act.

3. Since the matter is covered by the orders of the Division Bench of this Court in *M.Kathirvel and others vs. Inspector General of Registration – 2024 (4) CTC, 769*, this Court is not going into the facts of the case.

4. In the light of the Judgement passed by the Division Bench of this Court in *M.Kathirvel and Others vs. Inspector General of Registration – 2024 (4) CTC 769*, the Impugned Order is set aside. The 3rd Respondent shall make necessary entries in the encumbrance stating that the Cancellation Deed has been set aside by order of this Court. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No



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P.T.ASHA, J.

rgm

To

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Santhome High Road,
Pattinapakkam,
Chennai – 600 028.
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North Madras,
Chennai – 600 104.
3. The Sub-Registrar,
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4. The Real Estate Regulatory Authority,
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