



W.P.Nos.38536 & 38537 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.Nos.38536 & 38537 of 2024

W.M.P.Nos.41742, 41743, 41744 & 41745 of 2024

1.Mr.G.Manikandan

2.S.Rajeswari

3.G.Lily Mary

4.A.Gunasekaran

5.G.Arunachalam

6.M.Parameswaran

7.K.Ramesh

8.G.Uma Govindaraj

9.J.Sankari

10.R.Murugan

11.M.Mariammal

12.D.Rathinamala

13.S.Helena

14.M.Amudha



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15.J.Sivakumar

16.Manju Bala Panda

17.T.Immanuel

18.G.Somasundaram

19.S.Kokila

20.D.Saraswathi

21.S.Santhi

22.A.Dharmendra Babu

23.R.Djearam

24.A.Jagnyanarayan Dass

25.K.Gopi

26.Souciammalle W.s.

27.S.Jayashri

28.Umamaheswari

29.R.Babu

...Petitioners in both
W.P.'s

Vs

1.The Inspector General of Registration
No.100, Santhome High Road,
Mylapore, Chennai – 600 028.



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2.The District Registrar (Administration)
Tindivanam District,
No.63/40, Perumal Koil Street,
Tindivanam – 604 001.

3.The Sub-Registrar
2/97A, Mayilam Pandi Road,
Vanur – 605 109.

4.Singa Senthamizh

5.Krishnakumar

6.Ramcoumar

...Respondents in
both W.P.'s

PRAYER in W.P.No.38536 of 2024:-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, and call for the records pertaining to the impugned order of cancellation dated 31.01.2023 issued in Na.Ka.No. 4752/A3/2022 passed by 2nd respondent and quash the same.

PRAYER in W.P.No.38537 of 2024:-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, and direct the third respondent to remove the entry as appearing in the encumbrance certificate relating to the impugned order of cancellation dated 31.01.2023 issued in Na.Ka.No. 4752/A3/2022 passed by 2nd respondent.

In Both W.P's:-

For Petitioners : Mr.Hari Radhakrishnan
For Respondents : Mr.P.Harish (For R1 to R3)
Government Advocate



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ORDER

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The present Writ Petitions have been filed to quash the proceedings in Na.Ka.No.4752/A3/2022 dated 31.01.2023 passed by the second respondent and to direct the third respondent to remove the entry as appearing in the encumbrance certificate relating to the impugned order of cancellation dated 31.01.2023 issued in Na.Ka.No. 4752/A3/2022.

2.The petitioners purchased the vacant plots from one A.S.Kumaravelu. The initial owners of the properties executed a power of attorney in favour of A.S.Kumaravelu, who in turn sold the same to the petitioners after establishing a layout in the name and style of “Sri Sivadurga Nagar” vide registered sale deeds. It is seen that EC of their respective properties were cancelled. Therefore, petitioners filed protest petition before the Sub-Registrar, Vanur, requesting not to register any document pertaining to the properties in dispute. The second respondent without issuing any notice to the petitioners had cancelled the sale deeds executed in favour of the petitioners. Since this cancellation was against



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the dicta of the Division Bench of this Court in the case of ***M.Kathirvel***

Vs. Inspector General of Registration, Department of Registration and

Others [reported in 2024 (4) CTC 769], the Writ Petition has to be

allowed and the impugned order is to be set aside. Accordingly, the

present Writ Petition is allowed and the impugned order bearing No.

Na.Ka.No.4752/A3/2022 dated 31.01.2023 is set aside and

consequently, third respondent is directed to remove the entry as

appearing in the encumbrance certificate pursuant to the impugned order

within a period of three weeks from the date of receipt of copy of this

order.

3. Accordingly, the Writ Petition is allowed. Consequently,

connected miscellaneous petitions are closed. No costs.

18.12.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

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To

1. The Inspector General of Registration

No.100, Santhome High Road,
Mylapore, Chennai – 600 028.

2. The District Registrar (Administration)

Tindivanam District,
No.63/40, Perumal Koil Street,
Tindivanam – 604 001.

3. The Sub-Registrar

2/97A, Mayilam Pandi Road,
Vanur – 605 109.



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