



W.P.No.37534 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.37534 of 2024

N.Nandagopal

...Petitioner

Vs

1.The Inspector General of Registration
Santhome High Road,
Chennai.

2.Assistant Inspector General of Registration,
Chennai Zone, Santhome High Road,
Chennai – 600 028.

3.The Sub-Registrar,
Office of Sub-Registrar,
Thirukazhukundram,
Chengalpattu District.

4.M.C.R.Vedhavalli

5.B.Mahender

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to the impugned order bearing No.33/U.Pa.Thu.Tha/2021 dated 20.09.2021 and quash the same and consequently direct the 2nd respondent to remove the foot note index in



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Encumbrance certificate with respect to the Document Nos.2875/2008, 3477/2008, 4051/2008, 1580/2014, 1581/2014, 1899/2014, 2383/2014, 3275/2014, 3270/2015, 3271/2015, 6174/2015 and 112/2016 pertain to survey Nos.153/1 and 151/5 in No.162, Mahabalipuram village Thirukazhukundram taluk, Kancheepuram district.

For Petitioner : Mr.D.Murugan
For Respondents : Mr.M.Shahjahan (For R1 to R3)
Special Government Pleader

ORDER

The present Writ Petition has been filed to quash the proceedings in No.33/U.Pa.Thu.Thu/2021 dated 20.09.2021 passed by the second respondent.

2.The property comprised in Survey Nos.153/1 & 151/5 measuring an extent of 2.89 acre and 1.02 acre respectively, situated at No.162, Mahabalipuram Village, Thirukazhukundram Taluk, Kancheepuram District, was owned by one Pattammal, who is the mother of one M.C.R.Srinivasan and M.C.R.Vedavalli, the fourth respondent herein. The said M.C.R.Srinivasan and the fourth respondent had executed a power of attorney in favour of the petitioner vide Document No.45 of 1997 dated 13.03.1997 registered on the file of SRO, Thirukazhukundram. Thereafter, the petitioner had executed certain



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documents in respect of said property vide Document Nos.2875/2008, 3477/2008, 4051/2008, 1580/2014, 1581/2014, 1899/2014, 2383/2014, 3275/2014, 3270/2015, 3271/2015, 6174/2015 and 112/2016. Subsequently, the fifth respondent's power agent made a representation before the second respondent to cancel the aforesaid documents executed by the petitioner.

3.By an order dated 20.09.2021, the registered documents Nos.2875/2008, 3477/2008, 4051/2008, 1580/2014, 1581/2014, 1899/2014, 2383/2014, 3275/2014, 3270/2015, 3271/2015, 6174/2015 and 112/2016 was cancelled by the second respondent. Since this cancellation was against 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.33/U.Pa.Thu.Thu/2021 dated 20.09.2021 is set aside and consequently, all the foot notes/remarks that has been inserted in the encumbrance certificate pursuant to the impugned order shall also to be removed within a period of three weeks from the date of receipt of copy



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of this order. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To

- 1.The Inspector General of Registration
Santhome High Road,
Chennai.
- 2.Assistant Inspector General of Registration,
Chennai Zone, Santhome High Road,
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- 3.The Sub-Registrar,
Office of Sub-Registrar,
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P.T.ASHA, J.



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