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W.P.(MD)NO.7083 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7083 of 2024

R.Anupkumar Lohia

... Petitioner

Vs.

1. The Deputy Inspector General of Registration,
Ramanathapuram District,
Ramanathapuram.

2. The Sub Registrar,
Teppakulam, Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to delete / remove the endorsement made in the encumbrance register of the 2nd respondent in respect of S.No.318/3C, situated Sakkimangalam 2 Fit Village, Madurai North Taluk, present Madurai East Taluk, in the light of the orders passed in W.A.(MD) No.71 of 2024 dated 13.02.2024.

For Petitioner : Mr.L.Siva

For Respondents : Mr.C.Satheesh,
Government Advocate.

* * *



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ORDER

Heard the learned counsel on either side.

2. The petitioner purchased the petition mentioned property from one Bharathi vide sale deed dated 19.04.2023. One Murugesan filed petition before the District Registrar, Madurai impeaching the parent document of the petitioner's vendor. That was rejected. Challenging the rejection order, the petitioner filed an appeal before the Inspector General of Registration on 24.01.2023. Seeking its expeditious disposal, he filed W.P.(MD)No.9024 of 2023. The Hon'ble Judge who heard the writ petition did not want to finally dispose of the matter. That was because the matters relating to the scope and applicability of Section 77A of the Registration Act, 1908 had been referred to the Administrative Judge for being placed before the Hon'ble Division Bench. In that view of the matter, interim order was passed on 20.04.2023 to the effect that there should not be further registration over the petition mentioned property. The petitioner herein was not a party to the said writ petition. She therefore filed W.A.No.71 of 2024. In the said writ appeal, the said Murugesan was figuring as the first respondent. When the matter taken up by the Hon'ble Division Bench on 13.02.2024, it was submitted that



the appeal itself was disposed of by the Deputy Inspector General of Registration/ appellate authority on 08.08.2023. In that view of the matter, the Hon'ble Division Bench held that the writ petition itself had become infructuous. It was observed that the writ petitioner Murugesan was at liberty to challenge the order passed by the appellate authority. The writ appeal was closed by recording the said position. As rightly pointed out by the learned counsel appearing for the writ petitioner, when the writ petition itself had been closed as infructuous, the interim order passed in the writ petition cannot have a life beyond termination of the original writ petition.

3. I am conscious that the entry once made in the Encumbrance Register cannot be erased. Subsequent developments can only be entered in the Encumbrance Register and any person going through the subsequent entry will come to know the earlier entry has been superseded or rendered in effective.

4. It is made clear that the entry made in the Encumbrance Register in respect of the petition mentioned property by virtue of the order dated 29.04.2023 made in W.P.(MD)No.9024 of 2023 has ceased to have any effect. This writ petition stands allowed on these terms. The petitioner is permitted to apply to the second respondent to register this



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order. On such application being filed, the second respondent shall enter

this writ order in the Encumbrance Register. No costs.

21.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Deputy Inspector General of Registration,
Ramanathapuram District,
Ramanathapuram.
2. The Sub Registrar,
Teppakulam, Madurai District.



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G.R.SWAMINATHAN,J.

PMU

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