



W.P.(MD)No.16834 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16834 of 2022
and W.M.P.(MD)No.12221 of 2022

M.Parameshwaran

... Petitioner

Vs.

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

2.The District Registrar (Administration),
District Registrar Office, Periyakulam,
Theni District.

3.The Sub-Registrar,
Sub-Registrar Office,
Bodinayakanur, Theni District.

4.A.Andony Tominic

5.A.Thangamayan

6.T.Mukesh Sharma

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to conduct enquiry and to take action pertains to Document No.930/2022 dated 15.02.2022 on the file of the 3rd respondent in the light of circulars issued by the 1st respondent in Letter No.41530/U1/2017 dated 25.03.2022 on the basis of the



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petitioner's representation dated 19.04.2022 and thereby direct the 3rd respondent to make proper entries in the Encumbrance Certificate and index maintained by the 3rd respondent within time stipulated by this Court.

For Petitioner : Mr.M.Kaliraj

For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader for R1 to R3
Mr.K.Appadurai for R5 & R6

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the 2nd respondent to conduct enquiry and to take action pertains to Document No.930/2022 dated 15.02.2022 on the file of the 3rd respondent in the light of circulars issued by the 1st respondent in Letter No.41530/U1/2017 dated 25.03.2022 on the basis of the petitioner's representation dated 19.04.2022 and thereby direct the 3rd respondent to make proper entries in the Encumbrance Certificate and index maintained by the 3rd respondent within time stipulated by this Court.

2. It is the case of the Writ Petitioner that the subject property is an ancestral property of the petitioner's family and now the petitioner and his brother are in possession and enjoyment of the subject property. While so, when the



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petitioner got the encumbrance certificate of the his property, it shows that two documents were registered in favour of the respondents 5 and 6, by producing the fabricated life certificate of the petitioner, his brother and his mother. In this regard, the petitioner has given a police complaint to the Inspector of Police, Bodinayakanur Taluk, Police Station and the same is pending. In the meantime, the respondents 4 and 5 have cancelled the sale deed to avoid criminal action against them. But, they have not taken any steps to cancel the same. The 6th respondent is also tried to encumber the property to the third parties. Hence, the petitioner has filed this Writ Petition.

3. Considering the facts and circumstances of the case, this Court is of the view that in view of Section 77-A of the Registration Act having been struck down by this Court in W.P.No.10291 of 2022 and Batch cases, dated 02.08.2024, nothing survives for consideration in this Writ Petition.

4. Accordingly this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

vsm
NCC : Yes/No
Index : Yes/No

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N.SATHISH KUMAR, J.

vsm

To

- 1.The Inspector General of Registration,
Santhome Road, Chennai.
- 2.The District Registrar (Administration),
District Registrar Office, Periyakulam,
Theni District.
- 3.The Sub-Registrar,
Sub-Registrar Office,
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