



W.P(MD)No.23655 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23655 of 2024

Muthupandi

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Registration Office,
Government Multi-Store Building,
2nd Floor, Race Course Road,
Kajamalai Colony, Mannarpuram,
Trichy 20.

2.The District Registrar,
District Registrar Office,
Cantonment, Trichy-1.

3.The Sub Registrar,
Sub Registrar Office,
Thiruverumbur, Trichy District.

4.S.Asokan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the remarks as made in the encumbrance certificate by the respondents with regard to Doc No.4229/2019 dated 07.08.2019 considering the petitioner's representation dated 24.08.2024 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking for a writ of mandamus directing the respondents 1 to 3 to remove the remarks made in the encumbrance that the Doc No.4229/2019 has been registered by giving false particulars and based on the said document, there shall be no further registration.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that based on the complaint given by the fourth respondent, the District Registrar has relegated the parties to the civil Court to establish their right and also held that no further registration shall be made based on the Doc.No.4229/2019, which has been registered by giving false particulars. He also brought to the notice of this Court that challenging the order passed by the District Registrar, appeal has been filed before this Court in W.P(MD).No.8215 of 2021. This Court, by



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order dated 15.12.2023, set aside that order and once again remitted the matter back to the second respondent to conduct enquiry. Now, in view of the further development that 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 as unconditional, the District Registrar has no power to go into the issue. Hence, seeks direction.

4. In such view of the matter, as the District Registrar has no power to go into those aspect, this Court directs the respondents 1 to 3 to remove the remarks made in the encumbrance certificate with regard to the Doc.No. 4229/2019 dated 07.08.2019. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this order. The parties are at liberty to approach the competent civil Court to establish their title.

5. With the above direction, this Writ Petition is **allowed**. No costs.

04.10.2024

NCC : Yes / No
Index : Yes / No
Rmk



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N.SATHISH KUMAR, J

Rmk

To

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