



Writ Petition No.9896 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9896 of 2025

1. S.Logeshwar
S/o.Sudhakar, No.4, Kolathur Village,
A.R.Palayam Post, Ponneri Taluk,
Thiruvallur District-601 204.
2. VANITHA
W/o.S.Logeshwar, No.4, Kolathur Village,
A.R.Palayam Post, Ponneri Taluk,
Thiruallur District-601 204

Petitioners

Vs

1. The Inspector General Of Registration
Of Tamil Nadu
Santhome High Road, Foreshore Estate,
Chennai-600 028.
- 2.The District Registrar (Administration)
Thiruvallur District Registration Office,
Vedanginallur-631 203, Thiruvallur Taluk
and District.
- 3.The Sub Registrar,
Ponneri Sub Registrar Office,
Ponneri-601 204, Thiruvallur District.
- 4.P.Selvaraj
S/o.Late.Pattu Reddi, No.112, Sivan Koil
Street, Kolathur Village, A.R.Palayam
Post, Ponneri Taluk, Tiruvallur District.



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5.G.Javid

Presently Employed As Sub-registrar

Gummidipoondi, O/o.The

Gummidipoondi S.R.O Office

Gummidipoondi-601 201,

Thiruvallur District.

Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the the 3rd respondent to remove the illegal entry dated 21.09.2024 in the Encumbrance Register pursuant to the registration of document dated No.8587/2024 registered on the file of the 3rd respondent in respect of the property being house sites, old Grama Natham Survey No.292(part) present Grama Natham Survey No.494/6, measuring to an extent of 827 sq.meters Grama Natham Survey No.494/4, measuring to an extent of 695 sq.meters, both situated at the border of Kolathur-Lingasamudiram Village, No.57, Aaladu-II Group Village, Ponneri Taluk, Tiruvallur District as the same is arbitrary unlawful and colourable exercise of power.

For Petitioners : Mr.R.Munuswamy

For Respondents : Mr.K.Karthick Jagannath
Government Advocate
[R1 to R3]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the third respondent to remove the entry dated



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21.09.2024 made in the encumbrance certificate while registering the complaint filed in O.S.No.42 of 2024 on the file of District Munsif, Ponneri and the order passed in C.R.P.No.3520 of 2024 wherein the civil revision petition was dismissed and the parties were directed to work out their remedy before the civil Court where the suit was pending.

2. Heard Mr.R.Munuswamy, learned counsel for petitioner and Mr.K.Karthick Jagannath, learned Government Advocate appearing for respondents 1 to 3.

3. In the considered view of this Court, the case in hand is squarely covered by the earlier order passed by this Court in W.P.No.4176 of 2025, dated 27.02.2025. This Court has categorically held that pleadings cannot be considered either as an instrument or as a document and it cannot be registered before the Sub-Registrar office. Similarly, unless an order creates a right or extinguishes a right, every other order cannot be registered before the Sub-Registrar office. In the instant case, the civil revision petition was dismissed and the parties were directed to agitate their rights before the civil Court where this suit was pending and this order has been registered by the third respondent.



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Hence, such entry made in the encumbrance certificate by entertaining the order passed in the civil revision petition and the pleadings in the suit is unsustainable in the eye of law.

4. In the light of the above discussion, there shall be a direction to the petitioners to submit a representation to the third respondent along with a copy of this order and the third respondent, based on the earlier order passed by this Court in W.P.No.4176 of 2025, dated 27.02.2025 and the observations made in this writ petition shall remove the entries made in the encumbrance certificate. This process shall be completed within a period of four (4) weeks from the date of receipt of the representation from the petitioners.

This writ petition is disposed of with the above direction. No costs.

26.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J

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