



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4189 of 2025

Mr.Anandageethan

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai 28.

2.The Deputy Inspector General of Registration,
Combined Registration Building 2nd Floor,
Kumaragiri Bypass Road,
Kailash Manasoraver CBSE School (Near)
Sevvaipettai, Salem 636 014.

3.The District Registrar of Namakkal,
The Office of the District Registrar of Namakkal,
Namakkal District.

4.Patchaimuthu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to consider the petitioner representation dated 20.11.2024 and consequently direct the 3rd respondent to remove the entry of the order dated 11.08.2022 bearing reference



Mu. M. No 7260 / A6 / 2022 passed by the 3rd respondent form the encumbrance certificate in respect of the S.F. No 115/9E located at Palapatti Agraharam at Senthamangalam Taluk coming within the jurisdiction of Namakkal.

For Petitioner : Mr.B.Karthikeyan

For Respondents : Mr.M.Shajahan
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 3rd respondent to consider the representation made by the petitioner wherein, the petitioner is seeking for the removal of entry made in the Encumbrance Certificate dated 11.08.2022 pertaining to the subject property.

2.Heard Mr.B.Karthikeyan, learned counsel appearing on behalf of the petitioner and Mr.M.Shajahan, learned Special Government Pleader appearing on behalf of respondents 1 to 3.

3.The petitioner is questioning the following entry that has been made in the Encumbrance Certificate which is scanned and extracted herein:



Document Remarks/ ஆவணக் குறிப்புக்கள் :	மீதி 193009- மஹி.சு.343094- நுவக்கல் மாவட்டப்பதிவுவாரியத்தினால் கவுன்சில் ஆவண எண்- மு.மு.எண்.2009ஆ0022, திகதி-11.08.2022-ல் படி. எதிர்ப்பீட்டி- சார்பதிவுக் ஆவண எண் 3482308, பரஸ்ப்பது கிராம சர்க்கே எண். 119925ல் பதிவுசெய்த வசூல் 10 பங்கை பொறுத்து முகாபாகப் பதிவு செய்யப்பட்ட ஆவணமல்ல என கருதி அப்பலாபே ஆளப்பட்டுள்ளது. மேலும், புலவர் மதுசூதனாத்து பொறுத்து எதிர்ப்பீட்டி- சார்பதிவுக் ஆவணம் 3482308-ஐ மூன் ஆவணமாக மாற்றி பதிவு செய்துள்ளன. ஆவணங்களும் முகாபாபற்றி ஆவணங்கள் என கருதி அப்பலாபே ஆளப்பட்டுள்ளது.
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4.The petitioner has taken a stand that he was not a party to the proceedings and such order has been passed to the prejudice of the petitioner and therefore, the entry has to be removed.

5.In the considered view of this Court, such entry is made in the Encumbrance Certificate only pursuant to the order passed by this Court which was followed up and Circular was issued by the Inspector General of Registration. Therefore, if the petitioner is aggrieved by the proceedings of the District Registrar, dated 11.08.2022, it has to be challenged in the manner known to law and unless such order gets reversed or modified, there is no question of deleting an entry made in the Encumbrance Certificate. On such cancellation or modification of the order, the same will also be entered in the Encumbrance Certificate and that will virtually reverse the earlier entry made. Therefore, except giving this clarification and liberty to the petitioner, no further orders can be passed in this writ petition.



N. ANAND VENKATESH, J.

SSR

6.This writ petition is disposed of in the above terms. No Costs.

13.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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