



Writ Petition No.5696 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 21.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.5696 of 2025

1.S.Kalidoss
S/o.Late Shanmugam

2.S.Meenakshi Sundaram
S/o.Late Shanmugam

...Petitioners

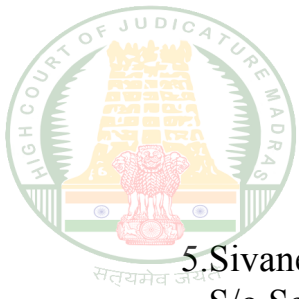
Vs.

1.Inspector General of Registration,
Department of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2.The District Registrar, Theni,
No.56, NRT Nagar, Theni,
(Employment Office Road),
Tamil Nadu - 625 531.

3.The Sub-Registrar,
Chinnamannur, Theni District.

4.Arthi
W/o.Selvakumar



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5.Sivanesh
S/o.Selvakumar

6.Subashini
S/o.Selvakumar

7.Vijayakumar
S/o.Karuppa Devar

8.Senthilkumar
S/o.Karuppa Devar

9.Selvi
W/o.Andi

10.Pappathi
W/o.Veerachinnan

11.Ravichandran
S/o.Masana Devar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the third respondent to cancel the registration entry concerning to the fraudulent Partition Deed dated 19.11.2001 vide Document No.2343 of 2001 on the file of the third respondent and direct the third respondent to delete the entries pertaining to fraudulent transaction subsequent to the Partition Deed dated 19.11.2001 reflecting in the Encumbrance Certificate on the file of the third respondent.

For Petitioners : Mr.S.Rajendran

For Respondents : Mr.B.Vijay

Additional Government Pleader [R1 to R3]



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ORDER

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This writ petition has been filed seeking issuance of a writ of mandamus directing the third respondent to cancel the entry made in the encumbrance certificate pursuant to registration of fraudulent partition deed dated 19.11.2001 on the file of the third respondent within the time frame fixed by this Court.

2. Heard Mr.S.Rajendran, learned counsel for petitioners and Mr.B.Vijay, learned Additional Government Pleader appearing for respondents 1 to 3.

3. On going through the records, it is seen that the petitioner has already filed a suit in O.S.No.259 of 2015 before the competent civil Court seeking for the relief of declaration to declare the document as null and void and non-est. This suit was dismissed by judgment and decree dated 30.09.2022.

4. Learned counsel for the petitioners submitted that an appeal is pending.



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5. In view of the same, there is no question of the respondents deleting the entry made in the encumbrance certificate since the respondents do not possess any such power or jurisdiction and the relief sought for by the petitioners in this regard was also rejected by the trial Court, which is pending by way of appeal. Therefore, subject to the final result in the civil proceedings, it is left open to the petitioners to approach the registering authority.

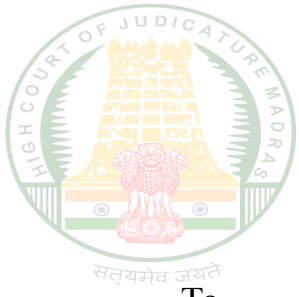
This writ petition is disposed of in the above terms. No costs.

21.02.2025

Neutral citation: Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order
gm



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To
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N. ANAND VENKATESH, J

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