



Writ Petition No.6934 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.6934 of 2025
and
W.M.P.Nos.7648, 7649 & 7650 of 2025

1. KRISHNARAJ

Residing At No.63, Vinayakar Koil
Street, Panni Madaikaran Thottam,
Vadavalli, Coimbatore- 641 041.

2. KRISHNAVENI

Residing At No.63, Vinayakar Koil
Street, Panni Madaikaran Thottam,
Vadavalli, Coimbatore- 641 041.

Petitioner(s)

Vs

1. The Inspector General Of
Registration,
Mylapore, Chennai- 600 004.

2.The District Registrar
Administration
(cadre Of Assistant Inspector
General Of Registration)
Coimbatore.

3.The Sub Registrar
Vadavalli, Coimbatore.



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4.The Commissioner Of Police
Coimbatore- 641 018.

5.The Inspector Of Police
City Crime Branch II,
Coimbatore- 641 018.

6.POOVATHAL
W/o Late K. Marudhamuthu,
No.11/12, Goundampalayam Road,
Edayapalayam Post, Coimbatore-
641 025.

Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari and Mandamus calling for the entire records of the 2nd respondent in the proceedings bearing reference NA.Ka.No.10858/A1/2021 including the order dated 6.2.2023 and quash the same and direct the respondents 1 to 3 to make appropriate entries in the encumbrance by deleting the reference to the said order of the 2nd respondent dated 6.2.2023, bearing reference Na.Ka. No.10858/A1/ 2021.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents : Mr.K.Karthick Jagennath
Government Advocate
for R1 to R3
Mr.V.J.Priyadarsana
Government Advocate
for R4 & R5
Mr.S.Senthil, for R6



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ORDER

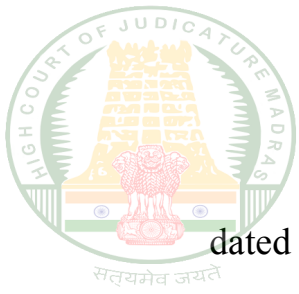
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The writ petition has been filed challenging the impugned proceedings of the second respondent dated 06.02.2023 and for consequential direction to respondents 1 to 3 to delete entries made in the encumbrance register with reference to the orders passed by the second respondent dated 06.02.2023.

2. Heard Mr.V.G.Suresh Kumar, learned counsel for petitioner, Mr.K.Karthick Jagennath, learned Government Advocate for R1 to R3, Mr.V.J.Priyadarsana, learned Government Advocate for R4 and R5 and Mr.S.Senthil, learned counsel for R6.

3. The subject matter of challenge in the writ petition pertains to proceedings of the second respondent dated 06.02.2023 wherein, registered document that stood in the name of the second petitioner was cancelled. The issue involved is squarely covered by judgment of Hon'ble Division Bench in *M.Kathirvel Vs. The Inspector General of Registration Department of Registration and Others* reported in *2024 4 CTC 769*, wherein Section 77-A of the Registration Act was struck down as unconstitutional.

4. In view of the same, proceedings of the second respondent



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dated 06.02.2023 will become non-est in the eye of law.

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5. It is also brought to the notice of this Court that the sixth respondent has filed a suit in O.S.No.1434 of 2017 which is pending on the file of the III Additional Sub Court, Coimbatore. Similarly, second petitioner also filed a suit in O.S.No.1106 of 2015 which was transferred to the file of III Additional Sub-Court, Coimbatore and re-numbered as O.S.No.1289 of 2024. This Court passed an order in C.R.P.No.1553 of 2024 dated 14.03.2025 directing both the suits to be tried jointly.

6. In view of the same, the dispute among the parties can be agitated before the Civil Court where both the suits are pending.

7. In the light of the above discussion, the proceedings of the second respondent dated 06.02.2023 is hereby declared to be non-est in the eye of law and as a result, registered documents that were cancelled will stand restored. The order passed by the second respondent has given rise to a police complaint before the fifth respondent. Since the suits filed by both parties are pending before the Civil Court, there shall be a direction to the fifth respondent to close the complaint forthwith. It is left open to both parties to raise all the grounds before the Civil Court which will be considered on its own merits and in accordance with law.



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In the result, this Writ Petition is allowed in the above terms.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

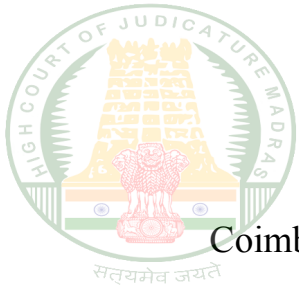
1. The Inspector General Of
Registration,
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