



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 8899 of 2025

WMP Nos.9996 & 9998 of 2025

1. Vijayakumari

2.J.Sathish Kuamr

3.J.Kamal Kumar

Petitioner(s)

Vs

1. The Inspector General of
Registration

No.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar
(Administration)

Office Of The District Registrar,
Chengalpattu.

3.The Sub Registrar,
Thiruporur.

4.Mrs.Rohini Shankar

Respondent(s)



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PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the order passed by 2nd respondent in his proceeding in Na.Ka. No.5206/ Aa1/ 2024 dated 13.02.2025 and quash the same and consequently direct the respondent 1 to 3 to remove the entry in the encumbrance certificate registering the decree in OS. No.110 of 2023 passed by the learned District Munsif at Chengalpet and Decree in A.S. No.26 of 2022 passed by the learned Sub Ordinate Judge, Chengalpet, with respect to the petitioner's property comprised in Survey Nos. 155/2C, 154/4A, 154/4A1A1A, 154/4A3A1A, 158/3A, 158/3A1, 158/4 situated at Pudupakkam Village Tiruporut Taluk, Kancheepuram District.

For Petitioner(s): Mr.S. Sathish Rajan

For Respondent(s): Mr.U.Baranidharan
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 13.02.2025 and for a consequential direction to respondents 1 to 3 to remove the entry made in the Encumbrance Certificate, wherein, the Decree passed in O.S.No.110 of 2013 dated 15.10.2022 on the file of the learned District Munisf, Chengalpattu and the Decree passed in



A.S.No.26 of 2022 on the file of the Sub Court, Chengalpattu came to be entered in the Encumbrance Register.

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2.Heard Mr.S.Sathish Rajan, learned counsel appearing on behalf of the petitioners and Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of respondents 1 to 3.

3.In the considered view of this Court, the petitioners have invited a problem for themselves. It is the petitioners who had instituted the suit in O.S.No.110 of 2013 before the learned District Munsif, Chengalpattu and suffered a Decree. The same was also confirmed in the appeal. Consequently, the Decree came to be registered on the file of the 3rd respondent. The petitioners now want the entry to be removed from the Encumbrance Register.

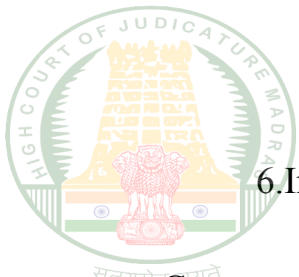
4.In the first place, there is no provision under the Registration Act which enables the 3rd respondent to remove an entry made in the Encumbrance Certificate. The Circular that was issued earlier will have no effect since the



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only provision that was available under Section 77A of the Registration Act and another provision available under Section 68(2) of the Registration Act has been dealt with by the Division Bench and the former was declared to be unconstitutional and the later was held not to confer any jurisdiction on the District Registrar to cancel any document. In view of the same, if the entry made in the Encumbrance Register is removed, it virtually tantamount to cancelling the very document itself.

5. When the petitioners approach this Court and seek for a mandamus, they must establish that the concerned authority has been conferred with the power under the Registration Act to remove the entries, failing which, the Court cannot direct them to remove the entries in exercise of its jurisdiction under Article 226 of the Constitution of India. As held supra, the petitioners invited problem for themselves and now they want to get rid of the same by approaching this Court to remove the entry. It is left open to the petitioners to workout their remedy in the manner known to law and this Court cannot grant the relief as sought for in this writ petition.



6. In the result, this writ petition stands dismissed. No Costs.

Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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- 1.The Inspector General Of
Registration
No.100, Santhome High Road,
Chennai-600 028.
- 2.The District Registrar
(administration)
Office Of The District Registrar,
Chengalpattu.
- 3.The Sub Registrar,
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N.ANAND VENKATESH J.

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