



Writ Petition No.13281 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.13281 of 2025

N.Karuppannan @ N.Karuppa
Gounden
S/o.Late.Nachimuthu Gounder

Petitioner

Vs

1. The District Registrar
O/o.District Registrar Office,
Rangampalayam, Erode-638 009.

2.The Sub Registrar,
Ammapettai SRO, Anthiyur Taluk,
Erode District-638 311.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 18.03.2025 made in Na.Ka.No.157/A2/2024 passed by the 1st respondent, quash the same and consequently direct the respondents to remove the entries relating to the registration the judgement and decree dated 31.07.2018 made in O.S.No.1 of 2016 passed by the IV Addl. District and Sessions Court, Bhavani (Doc.No.991/2018, dated 05.10.2018) which was reversed by this Court in A.S.No.661 of 2018 dated 06.11.2024 and the consequential



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partition deed dated 02.11.2021 (Doc.No.3100/2021) in compliance with Sec.31(2) of the Specific Relief Act, 1963 r/w Rule 89 of the Civil Rules of Practice, by considering the petitioner's representation dated 10.01.2025.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned communication dated 18.03.2025 of the first respondent and for a consequential direction to the respondents to remove the entries made in the encumbrance register pertaining to the subject property as per the directions issued by the Division Bench of this Court in A.S.No.661 of 2018 dated 06.11.2024 [*N.Karuppannan v. C.Nacimuthu Gounder and others*].

2. Heard Mr.N.Manokaran, learned counsel for petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for respondents.



3. It is seen from records that the Division Bench of this Court

in **Karupannan's** case, referred supra, while allowing the appeal issued the following directions:

"21. This Appeal is allowed. The suit in O.S.No.1 of 2016 will stand dismissed. Considering the relationship between the parties, we direct the parties to bear their own costs in the appeal. It is brought to our notice that the decree in the suit has been registered. Upon communication of this judgment, the Sub Registrar concerned will make an endorsement to the effect that the suit and decree in O.S.No.1 of 2016 has been set aside by this Court."

4. Pursuant to the above, the petitioner made a representation seeking for removal of the entry. The representation was refused to be acted upon on the ground that this Court had declared Section 77-A, 77-B and 68(2) of the Registration Act as unconstitutional.

5. In the considered view of this Court, the first respondent was not approached for cancelling any document and the first respondent was only requested to act upon the directions issued by the Division Bench of this Court for neutralizing the earlier entry that was made in the encumbrance register. Therefore, the first respondent ought to have complied with that order by incorporating an entry in the encumbrance



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register by taking note of the order passed by the Division Bench and should have neutralized the earlier entry made in the encumbrance register.

6. In view of the above, the impugned communication dated 18.03.2025 issued by the first respondent is hereby quashed and there shall be a direction to the first respondent to act upon the judgment of the Division Bench in *Karupannan's* case and make necessary entry in the encumbrance certificate and neutralize the earlier entry made with respect to the subject property. This process shall be completed by the first respondent within a period of two (2) weeks from the date of receipt of a copy of this order.

This writ petition is allowed with the above direction. No costs.

15.04.2025

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



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To
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O/o.District Registrar Office,
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- 2.The Sub Registrar,
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N.ANAND VENKATESH, J

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