



W.A.No.2867 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

**W.A.No.2867 of 2025
and C.M.P.No.23200 of 2025**

R.Mahendran

... Appellant

Vs.

1. Mrs.Muthukani,
W/o.Late.Syed Ali

2. The Sub-Registrar,
Office of Sub-Registrar of Urayur,
No.25, Annamalai Nagar,
Urayur, Trichy - 620 102.

... Respondents

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 23.01.2025 passed in W.P.No.1384 of 2025.

For Appellant	: Ms.B.Rathika
For Respondents	: Ms.M.Bharathy Meena for Mr.A.M.Sheik Mohammed Rafiq [R1] Mr.U.Baranidharan Special Government Pleader [R2]

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J U D G M E N T

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(Judgment of the Court was made by S.M.SUBRAMANIAM)

The present writ appeal has been instituted challenging the writ order dated 23.01.2025 in W.P.No.1384 of 2025. The second respondent is the appellant before this Court.

2. The first respondent has instituted a writ petition seeking a direction to the second respondent Sub-Registrar, Urayur, Trichy, to consider the representation dated 15.11.2024 within a stipulated time. The writ Court has considered the agreement entered into between the appellant and the first respondent in the year 2012 and issued a direction to the Sub-Registrar to remove the entry made in the encumbrance certificate with regard to the sale agreement or make an entry against the agreement that it has not been enforced to date within a period of two weeks from the date of receipt of the copy of that order.

3. The learned counsel for the appellant would mainly contend that the writ order was passed without hearing the appellant and therefore, the appellant was not in a position to defend his case. It is submitted by the learned counsel that a suit has already been instituted between the parties



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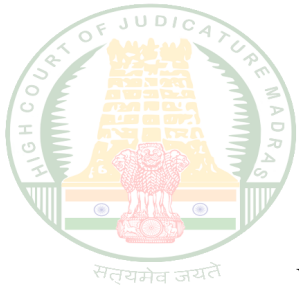
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in O.S.No.705 of 2022 on the file of III Additional District Munsif, Thiruchirapalli. Thus, the appellant has filed the present intra-court appeal.

4. The learned Government Pleader would submit that the sale agreement expired and it cannot be acted upon now in view of the ratio laid down by the Division Bench in the case of *N.Ramayee Vs. Sub-Registrar, Registration Department and another* reported in (2020) 6 CTC 697. Thus, the entry would not affect the rights of the parties to register the document in accordance with the Registration Act.

5. May that as it be, it is for the Authorities to take a decision with reference to the entry in the Encumbrance in the light of the legal position in the context of the judgments of the Courts.

6. Thus, the writ order impugned stands modified to the extent that the Second respondent Sub-Registrar, Urayur shall consider the representation submitted by the first respondent on 15.11.2024 and after affording opportunity to both parties, decide the issues on merits and in accordance with law as expeditiously as possible.



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With these modification the writ appeal is allowed in part.
Consequently, the connected miscellaneous petition is closed. There shall
be no order as to costs.

[S.M.S., J.] [M.S.Q, J.]
23.09.2025

Speaking order/ Non-speaking order
Index : Yes/No
Neutral Citation : Yes / No
gpa

To

The Sub-Registrar,
Office of Sub-Registrar of Urayur,
No.25, Annamalai Nagar,
Urayur, Trichy - 620 102.



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S.M.SUBRAMANIAM, J.
and
MOHAMMED SHAFFIQ, J.

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