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W.P.No.17861 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

W.P.No.17861 of 2019

1.P.Soundararajan (Died)

2.V.P.Sheeba

3.S.Sandhiya

4.S.Saranya

5.Sozhiya

... Petitioners

[Petitioners 2 to 5 impleaded as per order dated
25.09.2025 in WMP.No.41626 of 2025 in
W.P.No.17861 of 2019]

Vs

1.The Inspector General of Registration

Santhome High Road

Mylapore, Chennai – 4.

2.The District Registrar

Chennai North

Kuralagam

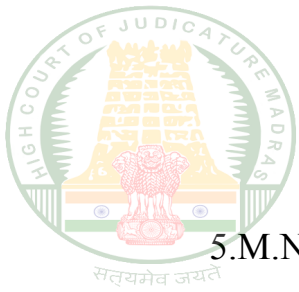
Chennai – 108.

3.The Sub Registrar

Sembium

Chennai – 11.

4.P.Baskaran



5.M.Narasamma



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... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent pursuant to proceedings in C.No.132/2019 dated 10.06.2019, quash the same and consequently direct the third respondent to take necessary action and conduct enquiry based on the representation of the petitioner dated 07.06.2019 submitted for removal of the entry of unlawful sale agreement dated 30.11.2010 registered in Doc.No.9927/2010 from the Encumbrance Certificate.

For Petitioners : Mr.A.Ramalingam

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader for R1 to R3
R4 – No appearance

ORDER

The present writ petition has been filed seeking to quash the proceedings of the third respondent dated 10.06.2019 and also to direct the third respondent to take action on the represented submitted by the deceased petitioner on 07.06.2019.

2. Pending the writ petition, the first petitioner had died and he is represented by his legal heirs namely the petitioners 2 to 5.



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3. The petitioner is the owner of the property in Survey No.1181/2B measuring an extent of 2,160 sq.ft., in Madhavaram Village, Ambattur Taluk, Tiruvallur District. The said property was purchased by the deceased petitioner from one Lakshmipathy. Since the wife of the deceased sustained a loss in her business, the first petitioner executed a Power of Attorney in favour of one Venkatesan on 25.11.2005, requiring him to sell the property and to clear the debts owed by his wife. Accordingly, Venkatesan effected a paper publication for sale of the property and on seeing the same, one Baskaran approached him and subsequently, a sale agreement was executed on 26.12.2005 for a sale consideration of Rs.11,00,000/- and the said Venkatesan also obtained a sum of Rs.1,00,000/- as advance from Baskaran, the fourth respondent. In the meanwhile, the Power of Attorney that stood in the name of Venkatesan, was cancelled. Thereafter, the sale was not performed by the deceased petitioner and Venkatesan, following which, Baskaran laid a suit for specific performance in O.S.No.5 of 2009 before the Additional District (Fast Track Court) Poonamallee, and the suit was decreed on 17.09.2010. Challenging the decree of the suit, the deceased petitioner preferred an appeal in A.S.No.424 of 2012 and this Court by order dated 07.09.2017 allowed the appeal by setting aside the



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judgment and decree in O.S.No.5 of 2009. Pending the appeal, the 4th respondent had sold the property to the 5th respondent fixing the sale consideration as Rs.35,00,000/- and had also obtained an advance sum of Rs.10,00,000/- from him. That apart, the Sub Registrar, the third respondent without verifying the genuineness of ownership and that the subject property has been attached by the Economic Wing Offences case, has arbitrarily registered the sale agreement in favour of the 5th respondent.

4. Thereafter, when the petitioner approached the third respondent-Sub Registrar with his application dated 07.06.2019 to remove the encumbrance over the property, the same was rejected vide the impugned order dated 10.06.2019, on the ground that the application was filed beyond the limitation period, however, the same has to be filed within a period of 4 months as mandated under Section 23 of the Registration Act. Challenging the same, the writ petition has been filed.

5. The learned counsel appearing for the petitioner would submit that this Court may direct the Office of the Sub Registry to enter the copy of the decree in A.S.No.424 of 2012 in Book-I, so as to remove the encumbrance that

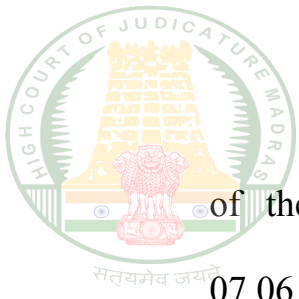


exists over his property and that necessary entries shall be made in the records of the third respondent.

6. The learned counsel appearing for the respondents would submit that on receipt of necessary application from the petitioner, appropriate orders would be passed by the third respondent.

7. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

8. The facts of the present case is that the deceased petitioner had executed a Power of Attorney in favour of one Venkatesan, who in turn, had entered into a sale agreement with one Baskaran for certain sale consideration. The failure on the part of Venkatesan and deceased petitioner to execute the sale in favour of Baskaran, had ended in filing a suit for specific performance in O.S.No.5 of 2009 against them. The suit in O.S.No.5 of 2009 came to be allowed, challenging which, the deceased petitioner filed A.S.No.424 of 2012 and it was allowed on 07.09.2017, thereby dismissing the suit filed by Baskaran. However, instead of presenting the decree for entering in Book No.1



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of the third respondent, the petitioner made a wrong representation on 07.06.2019, to remove the encumbrance made in the sale agreement executed by Baskaran in favour of the fifth respondent, which according to the third respondent is null and void, and thereby the impugned order came to be passed. Therefore, this Court is not inclined to condone the delay that had occurred in presenting the decree for registration, as the Act mandates that the stipulated period for presenting the decree for registration is four months from the date of the decree of order, and further a rider of another four months may be granted. Whereas in the case of the petitioner, the decree was passed on 07.09.2017 and the delay ought to have been condoned from 08.09.2018 to till date, which cannot be entertained as per the rules and provisions of the Registration Act. However, this Court directs the third respondent to make entry of the decree in A.S.No.424 of 2012 in Book No.1, in accordance with law and necessary entries shall also be reflected in the encumbrance certificate, forthwith. The petitioner is also directed to file appropriate application in this regard before the third respondent.

9. The writ petition is disposed of with the above directions. No costs.



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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To:

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M.DHANDAPANI,J.,

ds

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