



WEB COPY

WP No. 18856 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 18856 of 2025

V.Krishnamurthy
S/o. Velu,
No.13, 6th Block,
Kaviarasu Kannathasan Street,
Kodungaiyur, Chennai 600 118.

Petitioner(s)

Vs

1.The Sub Registrar,
Office of Sub Registrar of North Chennai,
Joint-I, Chennai 600 001.

2.Kaka Sadath Mubeen,
W/o.Mr.Mohammed Rafathullah,
No.18, Sultan Street, Chennai 600 001.

3.A.Mohamed Aasim,
S/o .Mr.AMohammed Rafathullah,
No.18, Sultan Street, Chennai 600 001.

4.A.Ifrah Badar,
D/o Mr Mohammed Rafathullah,
No.18, Sultan Street, Chennai 600 001.



5.A.Anakar Mohammed Fasihullah,
S/o Mr.A.Mohamed Khasim Sahib,
No.18, Sultan Street, Chennai 600 001.

6.Mr.A.Mohammed Azmathukkan,
S/o.Mr.A.Mohamed Khasim Sahib,
No.18, Sultan Street, Chennai 600 001.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, directing the 1st respondent herein to make an entry in the remarks column of the Encumbrance certificate based on Petitioner representation dated 09.04.2025 within time frame stipulated as fixed by this Court.

For Petitioner(s): Mr.A.M.Sheik Mohammed Rafia
for M/s.R.Divya

For Respondent: Mr.U.Baranidharan
Special Government Pleader
for R1

ORDER

This writ petition has been filed by the petitioner seeking to direct the 1st respondent to make an entry in the remarks column of the Encumbrance



certificate based on Petitioner representation dated 09.04.2025 within time frame stipulated as fixed by this Court.

2.Learned counsel for the petitioner would submit that the petitioner entered into a sale agreement dated 03.02.2021 with the respondents 2 to 6 towards the purchase of property situated at Muthialpet Village, Purasawalkam Taluk, Division Name:V.O.C.Nagar, Block No.37, Chennai District, Comprised in Survey No.2734, New R.S.No.4156, Old Door No.78/79, New Door No.132/195, Angappa Naicken Street, George Town, Chennai measuring to an extent of 1 Ground and 1596 Sq.ft for a sale consideration of Rs.50,00,000/-. Further the petitioner had also paid a sum of Rs.48,00,000/- to the respondents 2 to 6 and they agreed that the balance consideration of Rs.2,00,000/- shall be paid at the time of registration of sale deed. However, inspite of repeated request, the respondents 2 to 6 never come forward to execute the sale. Therefore, the petitioner filed a suit in O.S.No.17 of 2023 before the VI Assistant Judge, City Civil Court, Chennai. While so, the respondents 2 to 6 suppressing the pending suit and the sale consideration obtained from the



petitioner, had sold the subject property to the third party on 01.08.2024 and the same was registered before the 1st respondent. Therefore, the petitioner made a representation to the 1st respondent requesting to cancel the sale deed executed by the respondents 2 to 6 in favour of third party. However, the same has not been considered by the 1st respondent.

3.He would further submit that unless and otherwise the sale deed executed by the respondents 2 to 6 on 01.08.2024 is cancelled and suitable entries are made in the books atleast to the extent that the civil suit pertains to the subject property is pending, the petitioner's interest will get affected and hence, prayed to allow the present writ petition.

4.Learned Special Government Pleader appearing for the 1st respondent would submit that the 1st respondent has no power to cancel the sale deed executed on 01.08.2024 by the respondents 2 to 6 since the provision under Section 77A of the Registration Act has been struck down by the Hon'ble Division Bench of this Court in the case of *M.Kathirvel vs. The Inspector*



General of Registration Department and others* reported in **2024 (4) CTC 769*

Apart from that, the petitioner's request to make suitable entries with regard to the pending suit cannot be done since there is no provision available in the Act to make entries with regard to the pending suit. Therefore, even the petitioner's representation is considered, the 1st respondent is not in a position to make any entries as requested by the petitioner. Hence, he prayed to dismiss the present writ petition.

5. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the 1st respondent.

6. Considering the submissions made by either parties, this Court finds force in the submissions made by the learned Special Government Pleader appearing for the 1st respondent that since the provision under Section 77A has struck down by the Hon'ble Division Bench of this Court in the case of ***M.Kathirvel vs. The Inspector General of Registration Department and others*** reported in **2024 (4) CTC 769**, the 1st respondent has no power to cancel the sale



deed already executed and further there is no provision to make an entries with regard to the pending suit unless and otherwise any order is passed in the suit.

Therefore, the 1st respondent is not in a position to make entries as requested by the petitioner. Hence, the present writ petition is devoid of merits.

7. With the result, this writ petition stands dismissed. No costs.

25-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

WEB C
The Sub Registrar,
Office Of Sub Registrar of North Chennai,
Joint-I, Chennai 600 001.



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KRISHNAN RAMASAMY J.

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