

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 22638 of 2021

AND

WMP NO. 23889 OF 2021

1. M.Chinnasamy
S/o.R.Muniappan, No.3/162,
Pappampalayam Post, Cauvery
R.S. Erode 638 007

Petitioner(s)

Vs

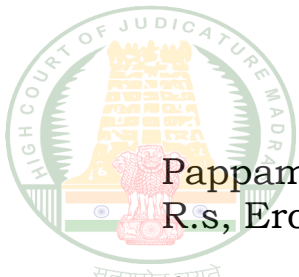
1. The Inspector General of
Registration
No.100, Santhome High Road,
Pattinapakkam, Chennai 28

2.The Deputy Inspector General
of
Registration, Collectorate, Salem
Zone 2, Salem 1

3.The District Registrar,
Collectorate Campus Back,
Nallipalayam Post, Namakkal
District

4.The Sub Registrar
Pallipalayam Post,
Kumarapalayam Taluk,
Namakkal District

5.Kandasamy Gounder,
S/o.karuppanna Gounder,
Nathakkadu, Odapalli
Agraharam Village,



Pappampalayam Post, Cauvery
R.s, Erode District 638007

6.Karupanna Gounder,
S/o.karuppanna Gounder,
Nathakkadu, Odapalli
Agraharam, Pappampalayam
Post, Cavary R.s, Erode 638 007

Respondent(s)

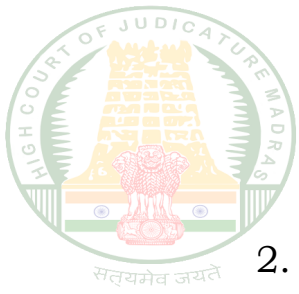
PRAYER

Writ petition filed under Article 226 of Constitution of India to call for the records of the 4th respondent in Pro. Lr. No. 240/2021 dated 23.8.2021 and quash the same and consequently direct the 4th respondent to remove the fraudulent entry of S.No. 139/10 Pothu Kinatril 1/8 pagam in 5th and 6th respondents partition deed No. 289/2001 dated 21.3.2001 from their records and pass such further or other orders.

For Petitioner(s): M/s.S.KOLANDASAMY
For Mr.B.Vijay, Additional
Respondent(s): Government Pleader for R1
to R4

ORDER

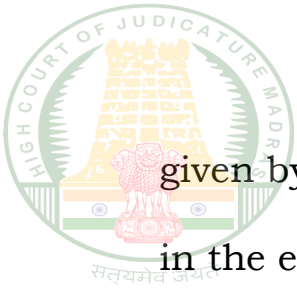
This writ petition has been filed challenging the proceedings of the 4th respondent dated 23.08.2021 and for a consequential direction to the 4th respondent to remove the fraudulent entry that was made in the encumbrance register while registering the partition deed dated 21.03.2001 registered as document No.289 of 2001



2. Heard Mr.Kolandasamy, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for respondents 1 to 4.

3. The petitioner is aggrieved by the registration of partition deed dated 21.03.2001 as document No.289/2001. The petitioner is seeking for the removal of the entry that was made in the encumbrance register. The removal of the entry in the encumbrance register will tantamount to cancelling the document itself. Section 77A of the Registration Act and Section 68(2) of the Registration Act came up for consideration before the Hon'ble Division Bench of this Court in *[M. Kathirvel Vs. The Inspector General of Registration Department of Registration and Others]* reported in **2024 4 CTC 769** wherein Section 77A of the Registration Act has been declared as unconstitutional. That apart, it was further clarified that Section 68(2) does not vest any power to declare any document as illegal.

4. In the light of the above development, even if the impugned proceedings are interfered, further direction cannot be



given by this Court to the 3rd respondent to cancel the entry made in the encumbrance register.

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5. In the result, the petitioner is granted liberty to work out his remedy before the competent Civil Court, if so advised and this writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

18-03-2025

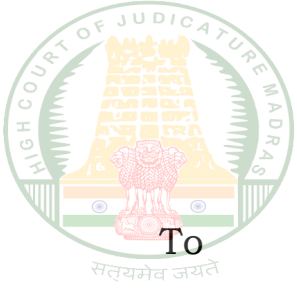
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

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Registration

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Pallipalayam Post,
Kumarapalayam Taluk,
Namakkal District



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N.ANAND VENKATESH J.
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2021
WMP NO. 23889 OF
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