



W.P. No. 25345 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No. 25345 of 2025

Mirza Mohamed Namazie,
S/o. Mohammed Javad Namazie,
Represented by his General Power Agent,
T. Selvamani

: Petitioner

Vs.

1.The Inspector General of Registration,
Office of the I.G., of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar, (Admin)
Office of the District Registrar,
Rajaji Salai, Chennai – 600 001.

3.The Sub Registrar,
Chennai North Joint I,
Rajaji Salai, Chennai – 1.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 2 & 3 to cancel the fake and fraudulent document the “Attachment before Judgment Intimation” registered as Court orders – Document No.03/2025 dated 13.06.2025 on the file of



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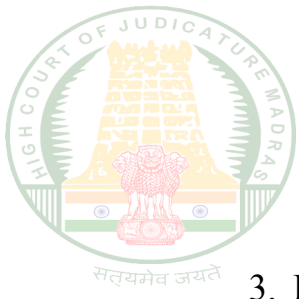
the Sub Registrar, Chennai North Joint-I the 3rd respondent herein in respect of the petitioner's properties in Door Numbers 304 and 302, Lingi Chetty Street, Chennai, comprised in T.S. Nos. 11651 and 11654 of Purasawakkam Taluk, Chennai District and to allow registration of any document that may be presented by the petitioner herein in respect of the above properties.

For Petitioner : Mr. V.R. Appaswamee
For Respondents : Mr. U. Baranidharan,
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed for issuance of writ of mandamus to direct the respondents 2 and 3 to cancel the fraudulent order of attachment before judgment intimation registered as Document No. 03/2025 dated 13.06.2025 on the file of the Sub Registrar in respect of the property comprised in T.S. Nos. 11651 and 11654 of Purasawakkam Taluk, Chennai District.



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3. It is submitted by the learned counsel for the petitioner that he is the owner of the subject property and he came to know recently that an order of “attachment before the judgment”, has been registered as Court orders vide Document No. 03/2025 dated 13.06.2025 on the file of the Sub Registrar Office, Joint-I, Chennai North, in respect of the subject property.

4. On applying for the certified copy, he was served with a copy of “attachment before judgment intimation” which appeared to suggest that it was issued by the “Central Nazir, City Civil Court, Mumbai”, addressed to the Sub Registrar, Joint-I, Chennai North, in connection with case number Summary Civil Suit in O.S. No. 9961 of 2023 filed by one Taymullah Mohamed against (1) Mirza Mohamed Namazie, (2) Washeem and (3) Haleem. The petitioner made search through E-Court service and found that no such order was passed.

5. Mr. U. Baranidharan, learned Special Government Pleader appearing for the respondents would also submit that, on instructions, wherein the third respondent had addressed to the City Civil Court Greater Mumbai, seeking their opinion as to the correctness / genuineness of the above order, in response, the City



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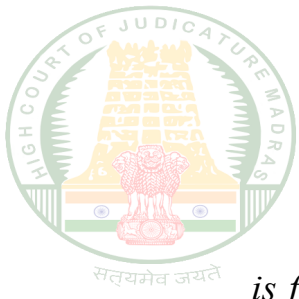
Civil Court, Greater Mumbai had responded by stating that no such warrant of attachment has been issued by the said Court. The relevant portion is extracted herein under: -

“In reply to your letter under reference, requesting to provide information of the order received from Hon'ble City Civil Court, Mumbai in Summary Civil Suit No. 9961 of 2023, copy of which is enclosed with the letter under reference, this is to inform that no such case, as has been mentioned in the warrant, has been instituted in this Court and consequently, no such warrant of attachment has been issued by this Court. This is further to inform that no post of “Central Nazir” exists on this establishment.”

6. It is submitted by the learned Special Government Pleader that, this is not the first instance where similar forged orders of Court have been entered in the encumbrance. On an earlier occasion, this Court while dealing with the similar case had passed the following orders in W.P. No. 21615 of 2024, which is extracted hereunder: -

“2. The entry in the encumbrance has been made on the basis of alleged attachment order in A.R.C.No.199 of 2015 on the file of the Principal City Civil Court, Greater Mumbai.

3. The petitioner's contention is that this attachment order itself



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is fraudulent one. Since there is no such proceedings pending on the file of the Principal City Civil Court, Greater Mumbai. To prove the same, they have enclosed a reply given to the Advocate dated 12.03.2024 from the Registrar in-charge, The Principal City Civil Court, Greater Mumbai, referring to the case number and submitting as follows: -

“With reference to the subject noted above and letter under reference, I have to state that having gone through the material on records, it reveals that no such case has been filed in this Court, and consequently no such warrant has been issued by this Court.”

4. Therefore, in the light of the above, the entry has been made on the basis of a non-existent and manipulated document, therefore, the entry shall be removed within a period of two weeks from the date of receipt of copy of this order.”

7. Learned Special Government Pleader would submit that though in the earlier writ petition, this Court had directed for removal of entry itself, the registering authority do not have the jurisdiction to remove the entry and would suggest that a subsequent entry will be made indicating that earlier entry of attachment was made on the basis of a non-existent order.

8. In view thereof, this Court is inclined to direct the third respondent to make an entry in the Encumbrance Certificate indicating that earlier entry of



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attachment was made on the basis of non-existent order within a period of two weeks from the date of uploading of web copy without waiting for receipt of certified copy. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondents to consider the matter on its own merits and in accordance with law.

9. With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No

Neutral Citation: Yes/No

AT

To

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MOHAMMED SHAFFIQ, J.

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