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W.P.No.31513 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

**W.P.No.31513 of 2025**

**and**

**W.M.P.Nos.35284, 35285 and 35289 of 2025**

Sukanthi Nainar Pandian

.. Petitioner

VS

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

2.The Deputy Inspector General of Registration,  
The Office of the Deputy Inspector General  
of Registration,  
No.100, Santhome High Road,  
Mylapore, Chennai – 600 028.

3.The District Registrar (Administration),  
Chennai South,  
Integrated Building for Offices of the  
Commercial Tax and Registration Department,  
Fanepet, Nandanam, Chennai – 600 035.

4.The Sub Registrar,  
Sub Registrar Office (Neelankarai),  
2/92, SH 49, Kazura Garden,  
Neelankarai, Chennai – 600 041.

5.Lajubai Patil

6.Sheela

7.A.Jannathul Arifa

8.K.Abdulrahman

.. Respondents



*W.P.No.31513 of 2025*

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the impugned order dated 14.06.2019 passed by the 3rd respondent vide reference No Na.Ka. No.17818/E2/ 2018 subsequently confirmed the same by 2nd respondent in Appeal No. Na.Ka.No.4186/AA/ 2019 dated 15.07.2024 and quash the same and direct the respondents 1 to 3 to remove the entries made in the encumbrance certificate pertaining to the impugned order.

|                 |   |                                                                                         |
|-----------------|---|-----------------------------------------------------------------------------------------|
| For Petitioner  | : | Mr.T.V.Suresh Kumar                                                                     |
| For Respondents | : | Mr.P.Harish,<br>Government Advocate<br>for R1 to R4<br>Mr.C.Uma Shankar<br>for R5 to R8 |

### **ORDER**

The petitioner purchased a property under sale deed dated 03.11.2015 bearing Document No.8680 of 2015. Thereafter, she executed a mortgage deed dated 03.11.2015, which was registered as Document No.8681 of 2015 in favour of the lender. Based on a complaint lodged by the fifth respondent herein, both the above documents were construed as documents created by impersonation by order dated 14.06.2019. The said order was affirmed in appeal by the second respondent under order dated 15.07.2024. Both these orders are challenged in this writ petition.



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2. Learned counsel for the petitioner submits that both the impugned orders were issued purportedly in exercise of powers conferred under Section 68(2) of the Registration Act, 1908 r/w circulars dated 08.11.2017 and 31.07.2018. He submits that the Division Bench of this Court held that Section 77-A of the Registration Act, 1908 was unconstitutional and also struck down the circular dated 08.11.2017. As a consequence, he submits that orders impugned herein cannot be sustained and are liable to be set aside.

3. In response to these contentions, learned counsel for the respondents 5 to 8 submits that the impugned orders do not direct cancellation of either sale deed bearing Document No.8680 of 2015 or mortgage deed bearing Document No.8681 of 2015. The said orders merely direct that an entry be made in the index. Learned counsel submits further that action was directed to be taken under Section 83 of the Registration Act and that no embargo has been imposed in relation thereto by the judgment of this Court in *M.Kathirvel and others vs. Inspector General of Registration and Others* (2024 (4) CTC 769) (*Kathirvel*).

4. Learned Government Advocate submits that the entries made in the index cannot be effaced. Based on any order passed by



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this Court, he submits that an entry may be made to neutralise the entry made earlier.

5. On perusal of the orders impugned herein, it appears that both the original authority and the appellate authority concluded that Document Nos.8680 of 2015 and 8681 of 2015 were executed by impersonation. Therefore, an entry was directed to be made to that effect in the index. The consequence of making such entries would be to put the public on notice. Therefore, it has the indirect effect of cancellation of registered instruments. In view of the judgment of the Division Bench of this Court in *Kathirvel*, registering authorities do not have such authority. Consequently, the orders impugned herein cannot be sustained in entirety and are hereby set aside except with regard to the direction to initiate action under Section 83 of the Registration Act. As a corollary, the fourth respondent is directed to make entries in the relevant index indicating the order of this Court in relation to Document Nos.8680 of 2015 and 8681 of 2015.

6. The fifth respondent filed a complaint and such complaint culminated in order dated 14.06.2019. The said order was challenged by the petitioner herein, but was affirmed by order dated 15.07.2024. The fifth respondent lodged the complaint and



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prosecuted the same diligently in good faith. Therefore, the benefit of exclusion of the time taken in prosecuting these proceedings should be extended to respondents 5 to 8, if they choose to institute a civil suit.

7. The writ petition is disposed of on the above terms. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

09.12.2025

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

- 1.The Inspector General of Registration,  
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Mylapore, Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,  
The Office of the Deputy Inspector General  
of Registration, No.100, Santhome High Road,  
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- 3.The District Registrar (Administration),  
Chennai South,  
Integrated Building for Offices of the  
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**SENTHILKUMAR RAMAMOORTHY,J.**

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