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W.P.No.35970 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35970 of 2019

E.Munuswamy Naidu

..... Petitioner

Vs

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

2. The District Registrar,
Kancheepuram District,
Kancheepuram.

3. The Sub Registrar,
R.K.Pet,
Pallipet Taluk,
Thiruvallur District.

4. E.Narasimhulu

5. K.V.Murali

(R5 impleaded vide order dated 02.07.2024
made in WMP No.19795 of 2024 in
W.P.No.35970 of 2019)

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to make necessary entries in the concerned Register



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Book so as to appear the same in the Encumbrance Certificate relating to Judgement and Decree made in A.S.No. 82 of 2001 dated 23.04.2002 passed by the Additional District Judge, Fast Track Court No.IV, Chenglepet at Thiruvallur against the Judgement and Decree in O.S.No. 740 of 1989 on the file of the District Munsif Court, Tiruttani, with regard to the cancellation deed in Doc.No.129 of 1991, since it is invalid as the Settlor (Petitioner's father) had no right to cancel in respect of agriculture lands with house comprised in survey Nos. 231/3, 231/4, 223/4, 223/5, 218/12, 221/6, 216/9, 216/13, 234/11, 234/17, 234/24, 234/25, 235/1, 213/17, 213/27, 213/07, 213/28, 210/19, 235/1 consisting of Tiled House, vacant site and Lane situated at S.V.G.Puram Village accounts, Pallipet Taluk, presently R.K.Pet Taluk, Thiruvallur District, pertaining to the settlement made by the petitioner's father Mr.Ethirajulu Naidu under Registered Settlement Deed dated 02.06.1989 in Document No.588 of 1989 on the file of third respondent.

For Petitioner : Mr.N.R.Anantha Rama Krishnan

For R1 to R3 : Mr.U.Baranidharan
Special Government Pleader

For R4 : Mr.E.Narasimhulu (in person)

For R5 : Mr.S.Vinoth

ORDER

This Writ Petition has been filed seeking a direction to the third respondent to make necessary entries in the concerned Register Book in respect of the Judgment and Decree made in A.S.No.82 of 2001, dated



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23.04.2002, thereby confirming the Judgment and Decree passed by the Trial Court in O.S.No.740 of 1989 on the file of the District Munsif, Tiruttani, thereby declaring that the Cancellation Deed in Document No.129 of 1991 as null and void in respect of the property comprised in Survey Nos. 231/3, 231/4, 223/4, 223/5, 218/12, 221/6, 216/9, 216/13, 234/11, 234/17, 234/24, 234/25, 235/1, 213/17, 213/27, 213/07, 213/28, 210/19, 235/1, situated at S.V.G.Puram Village accounts, Pallipet Taluk, presently R.K.Pet Taluk, Thiruvallur District, pertaining to the settlement made by the petitioner's father Mr.Ethirajulu Naidu under Registered Settlement Deed dated 02.06.1989 in Document No.588 of 1989 on the file of third respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The agricultural lands comprised in Survey Nos. 231/3, 231/4, 223/4, 223/5, 218/12, 221/6, 216/9, 216/13, 234/11, 234/17, 234/24, 234/25, 235/1, 213/17, 213/27, 213/07, 213/28, 210/19, 235/1, situated at S.V.G.Puram Village accounts, Pallipet Taluk, presently R.K.Pet Taluk, Thiruvallur District, were originally owned by the

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petitioner's father. During his lifetime, he executed a settlement in favour of the petitioner on 02.06.1989 registered vide Document No.588 of 1989 on the file of the third respondent. However, the fourth respondent herein, who is the brother of the petitioner herein, objected the genuineness of the settlement deed. Therefore, the petitioner filed a suit for declaration of title in respect of the said properties on the strength of the settlement deed in O.S.No.740 of 1989 as against the fourth respondent.

4. While pending suit, at the instance of the fourth respondent, the petitioner's father executed a Cancellation Deed, thereby cancelling the earlier settlement deed. The said cancellation was registered vide Document No.129 of 1991 on the file of the third respondent. Consequently, the said suit was dismissed by the Trial Court. Aggrieved by the said dismissal, the petitioner preferred an appeal in A.S.No.82 of 2001 on the file of the Additional District Judge, Fast Track Court No.IV, Chengalpet. By a Judgment and Decree dated 23.04.2002. the Appeal Suit was allowed and the suit was decreed in favour of the petitioner.



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5. Aggrieved by the same, the fourth respondent preferred

an appeal and the same was also dismissed at the SR stage itself.

Thereafter, the petitioner approached the third respondent for registering the Judgment and Decree passed in A.S.No.82 of 2001 under Section 23 of the Indian Registration Act. However, the third respondent failed to entertain the documents for registration. Therefore, the petitioner also caused a legal notice to the third respondent. In view of the legal position now settled by this Court and accordingly, the third respondent ought to have registered the Judgment and Decree produced by the petitioner without insisting the limitation.

6. The fourth respondent appeared in person before this Court and deposed that certain other civil suits are pending in respect of the subject property between the fourth respondent and the petitioner. Therefore, he vehemently objected to the registration of the Judgment and decree passed in A.S.No.82 of 2001. Though the fourth respondent objected the registration of the Judgment and Decree, the fourth respondent failed to take any steps to set aside the said Judgment and Decree passed in A.S.No.82 of 2001. In fact, the Second Appeal preferred by him was dismissed at the SR stage itself.

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7. In view of the above, the petitioner is directed to produce the certified copy of the Judgment and Decree passed in A.S.No.82 of 2001 before the third respondent. On receipt of the same, the third respondent shall register the same and carry out the necessary entries in the relevant Register Book in respect of the subject property forthwith.

8. With the above direction, this Writ Petition stands allowed. There shall be no order as to costs.

15.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

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

2. The District Registrar,
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Kancheepuram.

3. The Sub Registrar,
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