



W.P.No.35499



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.35499 of 2024

1.J.Sasikala
W/o.V.Janarthanan,

2.J.Kayathiri,
D/o.V.Janarthanan,

Both petitioners are residing at
Door No.25/1, Saraswathi Nagar,
Jyothipuram,
Thirumalai Nayakkanpalayam Majara,
Coimbatore 641 047.

.. Petitioners

Vs.

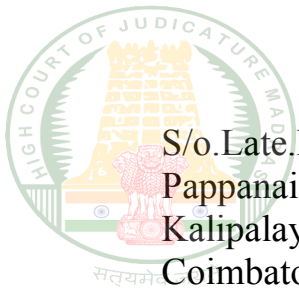
1.The Inspector General of Registration,
Government of Tamil Nadu,
120, Santhome Highway,
Pattinapakkam, Chennai – 600 028.

2.The District Registrar,
Coimbatore District, Coimbatore.

3.The Sub-Registrar,
Periyanayakkanpalayam Sub-Registrar's Office,
Periyanayakkanpalayam, Coimbatore.

4.R.Selvaraj,

1/8



S/o.Late.Ramakrishnan,
Pappanaicken Thottam,
Kalipalayam North, Vellamadai Post,
Coimbatore – 641 110.

.. Respondents

WEB COPY

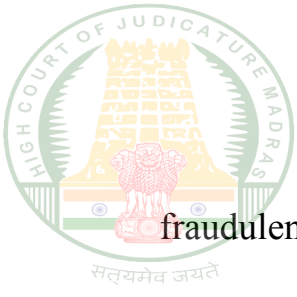
Prayer: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Mandamus, directing the 3rd respondent to remove the encumbrance made through the Registration of the judgment and decree in Doc.No.25924/2024 dated 24.12.2024 by considering the petitioners representation dated 02.08.2025 within the time frame fixed by this Court.

For Petitioner : Mr.G.Govarthanan

For Respondent : Mr.P.Harish,
Government Advocate
for R1 to R3

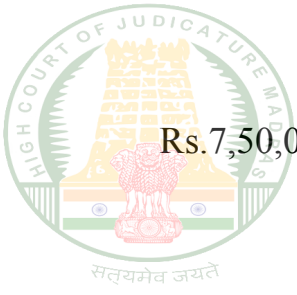
ORDER

This Writ Petition has been filed by the petitioner seeking to direct the 3rd respondent to remove the encumbrance made through the registration of the judgment and decree in Doc.No.25924/2024 dated 24.12.2024 by considering the petitioners representation dated 02.08.2025, within the time frame fixed by this Court.



2.Learned counsel for the petitioner would submit that the 4th respondent fraudulently obtained a judgment and decree dated 19.04.2013 in his favour and registered the same after the period of 11 years from the date of judgment and decree, creating encumbrance in the petitioners property. Therefore, the petitioner gave a representation before the respondents 1 to 3 on 02.08.2025, requesting to remove the encumbrance created in the petitioners property by the 4th respondent. However, till date the same has not been considered by the respondents 1 to 3.

3.He would further submit that the 1st petitioner is the legal owner of the property situated in Survey Nos.1195/2, 1197/1 & 1198 at Gudalur Village. The said property was owned by the 2nd petitioner as a hereditary property from her deceased father V.Janarthanan and through a release deed, the 2nd petitioner settled the aforesaid property to her mother/the 1st petitioner. While so, the 4th respondent has fraudulently obtained an *ex parte* decree in his favour by filing specific performance suit in O.S.No.194 of 2013, alleging that the 1st petitioner's husband agreed to sell the entire 9.55 acres of land in the aforesaid survey numbers to the 4th respondent for a sale consideration of Rs.7,50,000/- and he received a sum of Rs.7,50,000/- from the 4th respondent and failed to do so. Further, showing the 1st petitioner's husband as *ex parte*, the 4th respondent obtained a decree to register the aforesaid property in favour of 4th respondent for the sale consideration of



Rs.7,50,000/- alleged to have received by the 1st petitioner's husband.

WEB COPY

4.He would also submit that the *ex parte* judgment and decree was obtained on 19.04.2013 and in the year 2016, a power of attorney was executed by the 1st petitioner's husband in favour of one Kannaiyan, who executed the sale deed in favour of the third parties to some extent of the aforesaid property and the 4th respondent herein is one of the witness to that sale deed. Therefore, it is clear that the 1st respondent with an ulterior motive obtained a judgement and decree dated 19.04.2013 fraudulently and registered the same after the death of the 1st petitioner's husband in the year 2023. Hence, he prayed to direct the 3rd respondent to remove the encumbrance created by the 4th respondent in the 1st petitioner's property based on the representation dated 02.08.2025.

5.Learned Government Advocate appearing for the respondents 1 to 3 would submit that when the Court decree is presented for registration before the Sub-Registrar, after verifying the document's authenticity, the Sub-Registrar has to register the same. In the present case, the judgment and decree dated 19.04.2013, presented before 12 years from the date of the decree and therefore the 3rd respondent is bound to register the same.



6.Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents 1 to 3.

WEB COPY

7.Considering the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents 1 to 3, it is evident that the issue in the present case is with regard to the encumbrance made through the registration of the judgment and decree in Doc.No.25924/2024 dated 24.12.2024 regarding the property situated in Survey Nos.1195/2, 1197/1 and 1198 at Gudalur Village by the 4th respondent. The petitioner insist this Court to remove the encumbrance made in the aforesaid property citing the reason that the judgment and decree was obtained fraudulently by the 4th respondent and the same was registered after the period of 11 years from the date of obtaining the decree and even the 4th respondent / plaintiff in the suit is also a witness to the sale deed dated 23.03.2016, pertaining to the very same property which is the subject matter of the said judgment and decree, which shows the fraudulent act of the 4th respondent.

8.According to the learned Government Advocate appearing for the respondents 1 to 3, once the decree is presented for the purpose of registration, the Sub-Registrar after verifying the authenticity of the documents and the limitation



period, is bound to register the same and once the registration is made, it cannot be removed from the records and it has only be nullified by virtue of subsequent order.

WEB COPY

9.However, the petitioner would contend that the 4th respondent is one of witness to the sale deed, pertaining to the very same property which is the subject matter of the said judgment and decree, executed by the 1st petitioner's husband through his power agent in the year 2016 to the third parties, which itself proves the ulterior motive and the fraudulent act of the 4th respondent. Though all those aspects are in favour of the petitioner, once the registration is made and the encumbrance has already been created in the property it cannot be removed rather it can only be nullified by any subsequent order declaring the judgment and decree dated 19.04.2013 as null and void by the competent court, but not by this Court. Therefore, this Court is not passing any orders except recording the above observations.

10.With the above observation, this writ petition is disposed of. No costs.

19.09.2025

rst



W.P.No.35499



Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

To:

1.The Inspector General of Registration,
Government of Tamil Nadu,
120, Santhome Highway,
Pattinapakkam, Chennai – 600 028.

2.The District Registrar,
Coimbatore District, Coimbatore.

3.The Sub-Registrar,
Periyanayakkanpalayam Sub-Registrar's Office,
Periyanayakkanpalayam, Coimbatore.

KRISHNAN RAMASAMY, J.

rst



WEB COPY

W.P.No.35499



W.P.No.35499 of 2025

19.09.2025