



W.P.No.43549 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.43549 of 2025

Maheswari

... Petitioner

Vs.

No.2 Joint Sub-registrar,
No.2 Joint Sub-registrar Office,
Thirupattur.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to register the petitioner's objection petition in the encumbrance certificate as per her objection petition dated 30.06.2025 and reminder dated 18.07.2025 within a stipulated time to be fixed by this Hon'ble Court

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.Stalin Abhimanyu, AGP



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ORDER

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This writ petition has been filed to direct the respondent to register the petitioner's objection petition in the encumbrance certificate as per her objection petition dated 30.06.2025 and reminder dated 18.07.2025.

2. Mr.Stalin Abimanyu, learned Additional Government Pleader, takes notice on behalf of the respondent.

3. By consent of the parties, the main writ petition has been taken up for disposal in the admission stage itself.

4. The learned counsel for the petitioner would submit that in this case, initially, a partition deed dated 09.12.1993 was executed in respect of the subject property. Thereafter, a suit in OS.No.19 of 2025 was filed by the petitioner on 07.08.2024. Subsequently, the petitioner had also filed an objection petition dated 30.06.2025 and a reminder dated 18.07.2025 to avoid encumbrance in the subject property. However, the same was not reflected in the EC of the said property till date. Hence, this petition.



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5. In reply, the learned Additional Government Pleader appearing for the respondents would submit that if any protest/objection petition is filed, the same will not be reflected in the EC of the subject property and no right can be claimed on the ground of the filing of such protest/objection petition. Further, he would suggest that the petitioner's right over the property can be established only by way of approaching the concerned Civil Court. Hence, he requests this Court to pass appropriate orders.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the entire materials available on record.

7. In the case on hand, initially, a partition deed dated 09.12.1993 was executed by the petitioner's father in respect of the subject property. Thereafter, a suit for declaration in OS.No.19 of 2025 was filed by the petitioner on 07.08.2024. Subsequently, the petitioner had also filed an objection petition dated 30.06.2025 and a reminder dated 18.07.2025 to



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avoid encumbrance in the subject property. However, the same was not reflected in the EC of the said property till date.

8. Normally, if any protest/objection petition is filed, the respondent will issue notice to the concerned parties, prior to the registration of any subsequent deeds or documents in respect of the subject property, however, the said protest/objection petition will not be reflected in the EC. When such being the case, the question of registering the protest/objection petition, so as to reflect the same in the EC of the subject property, will not at all come into picture and thus, the petitioner cannot insist the respondent to register the protest/objection petition.

9. In this case, after the filing of said protest/objection petition, no deeds or documents were presented for the purpose of registration in respect of the subject property. That apart, no interim injunction was granted in the aforesaid suit filed by the petitioner.

10. In view of the above, as rightly suggested by the learned



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Additional Government Pleader, no right can be claimed on the ground of the filing of such protest/objection petition. The petitioner's right over the property can be established only by way of approaching the concerned Civil Court. In such case, this Court does not find any fault on the part of the respondent.

11. Therefore, this Court is inclined to dismiss the present petition.

Accordingly, this writ petition is dismissed. No cost.

14.11.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

No.2 Joint Sub-registrar,
No.2 Joint Sub-registrar Office,
Thirupattur.



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KRISHNAN RAMASAMY.J.,

nsa

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