



W.P (MD).No.1743 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

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

W.P (MD).No.1743 of 2025

T.Dennis

...Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai-600 028.

2.The District Registrar (Administration)
Marthandan,
Kanyakumari District.

3.The Sub-Registrar,
Muchairai,
Kanyakumari District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second and third respondents to remove the Encumbrance entries in respect of "document No.1464/2010 that has been cancelled by the order of the second respondent".

For Petitioner : Mr.P.F.Ferlin Castro

For R1 to R2 : Mr.S.P.Maharajan
Special Government Pleader



W.P (MD).No.1743 of 2025

ORDER

WEB COPY

This writ petition has been filed for a direction directing the respondents 2 & 3 to remove the encumbrance entries in respect of the document No.1464/2010 that has been cancelled by the order of the second respondent.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner had purchased the property to an extent of 15.248 cents comprised in S.No.113/17, 130/18 and 128/3 situated at Killiyoor Village, Kanyakumari District by the registered sale deed vide document No.1464 of 2010. After purchase, the entire revenue records were mutated in favour of the petitioner. Subsequently, the petitioner also had sold some extent of the property in favour of the third party and also executed the settlement deed in favour of the third daughter. While being so, the said sale deed was challenged before the second respondent under Section 77-A of the Registration Act. The second respondent mechanically allowed the complaint and cancelled the sale deed which was executed in favour of the petitioner as fraudulently. It was



W.P (MD).No.1743 of 2025

challenged before this Court in W.P(MD)No.24696 of 2023. This Court by order dated 05.09.2024 allowed the writ petition and quash the order passed by the second respondent. While declaring that the said document as fraudulent one, it was recorded in the encumbrance of the subject property. After setting aside the said order, the petitioner submitted a representation to remove such entry. The registering authority has no power to remove any entry, however, the order passed by this Court in W.P.(MD)No.24696 of 2023 dated 05.09.2024 can be entered into the encumbrance of the subject property.

4. In view of the above, the third respondent is directed to make entry of the order passed by this Court in W.P(MD) No.24696 of 2023, dated 05.09.2024 in respect of the subject property within a period of two weeks from the date of receipt receipt of a copy of this order. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

23.01.2025



W.P (MD).No.1743 of 2025

WEB COPY

To

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai-600 028.
- 2.The District Registrar (Administration)
Marthandan,
Kanyakumari District.
- 3.The Sub-Registrar,
Muchairai,
Kanyakumari District.



WEB COPY



W.P (MD).No.1743 of 2025

G.K.ILANTHIRAIYAN, J.

am

W.P (MD).No.1743 of 2025

23.01.2025