



W.P(MD)No.3544 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.3544 of 2024

and

W.M.P.(MD).Nos.3489 and 3490 of 2024

Achyuth Tony Joseph

... Petitioner

Vs

1. The Inspector General of Registrar,
No.100, Santhome,
Chennai..
2. The District Registrar,,
Theni..
3. The Sub Registrar,,
Bodinayakannur,
Theni District..
4. K.K.Raju,
5. S.Krishnaveni,
6. T.Ramasethu,
7. M.Suryaselvan,
8. C.Sankar,
9. M.Murugesan,
10. S.Nehru,



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11. L.Alageswari,

12. V.Ganesan,

13. K.Senthilkumar,

14. M.Vanaraj,

15. R.Revathi,

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, call for the records in Na.Ka.No.25/2024 dated 22.01.2024 and quash the same as it is illegal and in consequence to direct the 3rd respondent to conduct an enquiry with the petitioner objection/dispute petition dated 05.01.2024 and to pass an order, in the light of the circular issued by the 1st respondent in Na.Ka.No.39708/C1/2018, dt.04.10.2018.

For Petitioner : Mr. R. Suriya Narayanan

For Respondents : Mr. S. Saji Bino (R1 to R3)
Special Government Pleader
Mr. M.P. Senthil (R6)

ORDER

The present Writ Petition has been filed to quash the proceedings in Na.Ka.No.25/2024 dated 22.01.2024 and consequently, to direct the 3rd respondent to conduct an enquiry with the petitioner objection/dispute petition dated 05.01.2024 and to pass an order, in the light of the circular issued by the 1st respondent in Na.Ka.No.39708/C1/2018, dated 04.10.2018.



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2.The petitioner is seeking to quash the impugned order and to direct to conduct an enquiry under 77-A of the Registration Act. The Section 77-A was struck down by the Honourable Division Bench of this Court. Therefore, the third respondent is not having any power to conduct enquiry.

3.In the present case, the petitioner' father, namely, P.A.Joseph, has filed a suit in O.S.No.52 of 2006 on the file of the learned Additional District Judge, Periyakulam and he has also filed an execution petition in E.P.No.18 of 2022 and the same is pending. In the meanwhile, the private respondents has preferred two appeals in A.S.No.265 and 279 of 2008 respectively before this Court. The appeal suit in A.S.No.279 of 2008 was dismissed as withdrawn on 30.04.2013 and A.S.No.265 of 2008 was dismissed for non prosecution, on 10.02.2022 and they are trying to restore the appeal. In such circumstances, the petitioner has come forward with a plea to direct the respondents not to encumber the property. The official respondents cannot entertain the said objection petition, Since the matter is pending before the Court below. If the respondent herein is directed to consider the objection, then the respondent would be sitting as a civil court and determining the title dispute between the parties. Therefore, the present objection cannot be entertained. If the petitioner is genuinely aggrieved by any further encumbrance created by the private respondents, he is at liberty to file an



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execution application before the Execution Court for restraining the private respondents from encumbering the property, if so advised.

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4. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

25.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

vsg

To

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Theni..
3. The Sub Registrar,,
Bodinayakannur,
Theni District..



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S.SRIMATHY, J.

vsg

**ORDER MADE IN
W.P(MD)No.3544 of 2024**

DATED :25.08.2025