



W.P(MD)No.4756 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.4756 of 2025

and

W.M.P(MD)No.3428 of 2025

Subbaiah

..Petitioner

Vs

1.The District Registrar,
Palayamkottai,
Tirunelveli District.

2.The Sub Registrar,
Palayamkottai Joint I Sub Registration Office,
Palayamkottai,
Tirunelveli District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Na.Ka.No.34/A.Aa.P/2025 dated 28.01.2025 and consequential order in Na.Ka.No.8220/A3/2021 dated 05.2023 by the first respondent and quash the same as illegal and consequently to direct the second respondent to cancel fraudulent entries in the encumbrance certificate and to include the name as per order of the learned Additional Sub Court, Tirunelveli.



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For Petitioner : Mr.S.Mahendrapathy

For Respondents : Mr.N.Ramesh Arumugam
Govt. Advocate

ORDER

This writ petition is filed seeking to quash the impugned order in Na.Ka.No.34/A.Aa.P/2025 dated 28.01.2025 and consequential order in Na.Ka.No.8220/A3/2021 dated .05.2023 passed by the first respondent and to direct the second respondent to cancel fraudulent entries in the encumbrance certificate and to include the name, as per order of the learned Additional Sub Court, Tirunelveli.

2. Section 77A of the Registration Act has been declared as unconstitutional by a Division Bench of this Court in **M.Kathirvel vs. Inspector General of Registration and others** reported in **2024(4) CTC 769**. Therefore, the impugned orders in Na.Ka.No.34/A.Aa.P/2025 dated 28.01.2025 and Na.Ka.No.8220/A3/2021 dated .05.2023 passed by the first respondent cannot be sustained.

3. If the petitioner claims that the civil court has declared his right in O.S.No.586 of 1984 on the file of the Additional District Munsif, Tirunelveli



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and in A.S.No.21 of 1995 on the file of the Principal Sub Court, Tirunelveli, he

should approach the Sub Registrar to register the Judgment and Decree.

Instead of filing an application for registration of the Judgment and Decree, indirectly, he seeks the abovesaid relief in this writ petition. Therefore, this writ petition is partly allowed. The orders of the first respondent in Na.Ka.No. 34/A.Aa.P/2025 dated 28.01.2025 and Na.Ka.No.8220/A3/2021 dated .05.2023 are quashed. It is open to the petitioner to work out his rights with respect to the registration of the Judgment and Decree. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

1.The District Registrar,
Palayamkottai,
Tirunelveli District.

2.The Sub Registrar,
Palayamkottai Joint I Sub Registration Office,
Palayamkottai,
Tirunelveli District.



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V.LAKSHMINARAYANAN, J.

skn

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