



W.A.MD) No.481 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

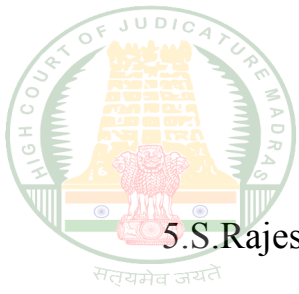
W.A(MD)No.481 of 2025

P.Siva Sankar

... Appellant/ Writ
Petitioner

-Vs-

- 1.The Inspector General of Registration,
Shantham High Road,
Chennai.
- 2.The Deputy Inspector General of Registration,
Kanniyakumari Zone and District,
Tirunelveli.
- 3.The District Registrar(Administration)
District Registrar Office,
Kanniyakumari,
Kanniyakumari District.
- 4.The Sub Registrar Joint-I,
Sub Registrar Joint-I Office,
Kanniyakumari,
Kanniyakumari District.



5.S.Rajeswari



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...Respondents/
Respondents

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PRAYER: Writ Appeal filed under Clause XV of Letters of Patent Appeal, against the order dated 18.12.2025 made in W.P.No.30667 of 2024 passed by this Court.

For Appellant : Mr.D.Nallathambi
For R1 to R4 : Mr.Ramesh Arumugam
Government Advocate

JUDGMENT

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The appeal is directed against the order passed by the learned Single Judge dismissing the writ petition filed for Mandamus.

2.The short point involved in this case is that the writ petitioner has purchased the property from the vendor and the vendor has no right in view of the Court decree of registration of sale deed. The Registration Department has recorded in the Encumbrance Register regarding the Court decree, in respect of the property comprised in land Old Survey No.2253 Re.S.No.598/1E to an extent of 24 cents out of 1.24 acres. The petitioner, who is a subsequent purchaser,



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thought it fit to seek Mandamus to direct the Registration Authority not to make any remarks in the Encumbrance Register.

3. According to the learned counsel for the petitioner, the dispute between the father and son is not in respect of the property what he has purchased, but however, the decree has been passed setting aside the settlement deed executed in favour of his vendor. Therefore, the remarks in the Encumbrance Certificate ought to be removed.

4. The learned single Judge, after considering the facts of the case, has rightly observed that if the petitioner really aggrieved by the judgment and decree passed in O.S.No.70 of 2013, even though he is a party to the proceedings, he can very well challenge the same in the manner known to law. He cannot seek restrained order from recording the judgment and decree passed by the Civil Court.

5. This Court finds no illegality or error in the order passed by the learned Single Judge to entertain this writ appeal, which is beyond the scope of Article 226 of the Constitution of India and it will amount to interfering in a civil Court decree exercising writ jurisdiction.



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6. In view of the above observations, the Writ Appeal stands dismissed. No costs.

[G.J., J.] & [R.P., J.]

10.03.2025

NCC : Yes / No

Index : Yes / No

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To

1. The Inspector General of Registration,
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Chennai.

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3. The District Registrar (Administration)
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