



W.P(MD)No.5579 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.5579 of 2024

V.Kalyani

... Petitioner

Vs

1. The District Registrar,
Virudhunagar Registration District,
Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
3. The Joint Sub-Registrar No.II,
Virudhunagar,
Virudhunagar District.
4. Maheswari

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to remove the entries in the book about the property in Survey Numbers 49/2A and 49/5A, Kullursanthai Village, Aruppukottai Taluk, Virudhunagar District, in view of representation dated 06.12.2023, within the stipulated time which this Court may deem fit.



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For Petitioner : Mr.M.Jothi Basu
For R-1 to R-3 : Mr.S.Kameshwaran
Government Advocate
For R-4 : Refused

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the third respondent to remove the entries in the book about the property in Survey Numbers 49/2A and 49/5A, Kullursanthai Village, Aruppukottai Taluk, Virudhunagar District, based on the representation dated 06.12.2023.

2. The facts of the case are that the petitioner and the fourth respondent are sisters. The petitioner's mother, namely, Mariyammal, executed a settlement deed dated 30.05.2014. Subsequently, the petitioner's mother filed a petition before the Revenue Authorities to cancel the said settlement deed since the petitioner was not taking care of her, and the same was allowed. Subsequently, the petitioner challenged the cancellation in W.P.(MD)No.17500 of 2020 and this Court, by following the judgment of the Hon'ble Full Bench, allowed the writ petition, holding that the unilateral cancellation was invalid. The proceedings of the Revenue Authorities as well as the judgment rendered in W.P.No.17500 of 2020



were entered in the registration records. Now, the petitioner is seeking to remove the said entry.

3. It is seen in W.P.(MD)No.17500 of 2020, this Court held unilateral cancellation is illegal and restored the Settlement Deed. However, directed the petitioner to pay Rs.1,00,000/- to the mother. The contention of the petitioner is that prior to handing over the said amount, the mother died on 17.08.2023. It is further submitted, the mother had refused to receive the said amount which was directed to be paid by the petitioner. In the meanwhile, the fourth respondent, along with other siblings has filed a partition suit and the same is pending. Now, the petitioner is seeking to remove both the entry of the Revenue Authority's proceeding and the entry of the order passed in W.P.No.17500 of 2020. Since the mother died on 17.08.2023, and as the unilateral cancellation has already been declared as illegal, by following the judgment of the Honourable Full Bench, the entries made in the registration book are irrelevant as on date. Therefore, the same ought to be removed.

4. However, the contention of the respondent is that there is no provision in the computer system to remove such entries.

5. The said contention cannot be entertained. Software is created and



managed by human beings and hence, there must be a provision to make appropriate modifications. Hence, the same is rejected

6. The same issue has already been considered by another learned Single Judge in W.P.No.4176 of 2025 dated 27.02.2025, where it is held as under:

“17.As held above, such pleadings does not satisfy the requirements both under the Registration Act and under the Stamp Act and therefore, cannot be registered and entries cannot be made. That apart, if the owner of the property should be stopped from dealing with the immovable property, the easiest method to adopt will be to register the pleading before the Registration office and create an entry in the encumbrance certificate. Once that is done, the owner of the property will not be able to deal with the property since the purchaser would want that entry to be removed or deleted.

18.On the one hand, there are directions issued by this Court to register the pleadings in a suit and to make the necessary entry and on the other hand, this Court has also held that there is no bar to deal with the property during the pendency of the suit and at the best, such a transaction will only be hit by the Rule of lis pendens. Therefore, such contradicting views will only create more confusion instead of providing any solution.”

7. Therefore, this Court is also accepting the findings rendered by the



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learned Single Judge. Accordingly, the impugned entries ought to be removed.

The official respondents are directed to delete the entries in the registration book with respect to the subject properties.

8. With the above said directions, this Writ Petition is allowed. There shall be no order as to costs.

01.08.2025

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

jbr

To:

1. The District Registrar,
Virudhunagar Registration District,
Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
3. The Joint Sub-Registrar No.II,
Virudhunagar,
Virudhunagar District.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.5579 of 2024

DATED : 01.08.2025