



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 08.08.2025

PRONOUNCED ON : 07.10.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10183 of 2024

and

W.M.P(MD)No.9194 of 2024

Kasimari Shanmuga Sundaram Trust
Represented by its Managing Trustee,
K.S.Anantharaman.

... Petitioner

Vs

1. The District Registrar (Admin),
Tuticorin,
Tuticorin District.
2. The Sub Registrar,
Kommadikottai Sub-Registrar Office,
Tuticorin District.
3. Thirunamam
4. Deepasundaram
5. Nandini Devi
6. Chandrasekar
7. Esakkiselvam
8. Daniel
9. Rathinakumar

... Respondents



PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Muu.Mu.No. 4960/Aa4/2023 dated 26.09.2023 and quash the same and consequently direct the respondents 1 and 2 to declare the Doc. Nos. 722/2021, 723/2021, 729/2021 and 733/2021 dated 21.04.2021 registered on the file of the 2nd respondent office as fraudulent on the basis of Circulars dated 25.04.2012, 31.07.2018 and 09.12.2018 and make an endorsement in the Encumbrance certificate to that effect.

For Petitioner : Mr. H. Arumugam

For Respondents : Mr. S.Saji Bino,
Special Government Pleader, for R-1 & R-2

Mr.S.Kadarkarai, for R-6 to R-8

ORDER

This Writ Petition is filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the 1st respondent dated 26.09.2023 and consequently direct the respondents 1 and 2 to declare the documents registered on the file of the 2nd respondent office as fraudulent on the basis of Circulars dated 25.04.2012, 31.07.2018 and 09.12.2018 and make an endorsement in the Encumbrance certificate to that effect.

2. Even though the petitioner initially sought larger relief, he is now restricting his prayer to a simple direction.



3. In the impugned order, the first respondent has elaborately considered the matter. However, at the time of such consideration, the petitioner had already filed a civil suit. But the official respondents after elaborate consideration had made some observations in favour of the petitioner but declined relief and directed the petitioner Trust to pursue the remedy through that suit. Therefore, the petitioner is aggrieved for not granting the relief.

4. It is seen the petitioner has filed I.A.No.209 of 2019 in Unnumbered suit in O.S.the suit in O.S.No.151 of 2019 on the file of the District Munsif Court, Tiruchendur and the same is in trial stage.

5. Therefore, the trial court is directed to consider the IA. While considering the suit, the judgment rendered by the Hon'ble Supreme Court of India reported in ***(2020) 13 Supreme Court cases 50 in the case of Ghat Talab Kaulan Wala Vs. Gopal Dass Chela Surti Dass (dead) by Legal representative Ram Niwas***, may be taken into account. The Trial Court shall consider the IA within a period of six months from the date of receipt of a copy of this order.



6. With these directions, these writ petitions are disposed of. No Costs. Consequently connected miscellaneous petition is closed.

07.10.2025

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

Ksa



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To

1. The District Registrar (Admin),
Tuticorin,
Tuticorin District..
2. The Sub Registrar,
Kommadikottai Sub-Registrar Office,
Tuticorin District.



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S.SRIMATHY, J.

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W.P(MD)No.10183 of 2024
[1/2]

07.10.2025