



W.P.(MD) No.10803 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.10803 of 2025

Senthilkumar ... Petitioner

Vs

1 Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam,
Chennai 600 028.

2 The District Registrar (Admin),
Sankaran Koil,
Tirunelveli District.

3 The Sub Registrar,
Sankaran Kovil,
Tirunelveli District.

4 Seeniammal

5 Periya Ganapathy ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 2nd respondent to delete the entry of the registered judgment and decree bearing Doc.No.



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WEB COPY 2823/2024 registered on the file of the 3rd Respondent from all its records including the encumbrance certificate.

For Petitioner : Mr.T.M.Mano

For Respondents 1 to 3 : Mr.R.Suresh Kumar,
Addl. Govt. Pleader.

ORDER

This Writ Petition is filed, seeking for a mandamus, directing the 2nd respondent to delete the entry of the registered judgment and decree bearing Doc.No.2823/2024 registered on the file of the 3rd Respondent from all its records, including the encumbrance certificate.

2. Mr.T.M.Mano, who appears before this Court via video-conferencing for the petitioner, vehemently pleads that the dismissal of the suit for declaration of title and injunction by the writ petitioner does not mean a right is conferred on the respondents 4 and 5.

3. It is too well settled that the decree of a civil court does not create a right on any party. A suit for declaration, merely seeks the assistance of the Court, to declare a pre-existing right in the plaintiff. The dismissal of a suit for declaration of title to immovable property does not mean to declare that the defendants are the owners of the property. However, this issue is absolutely alien to the relief sought for in the present writ petition.



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4. The respondents 4 and 5 have registered a judgment and decree in a suit and appeal, which had been presented by the writ petitioner. There is no bar under the Registration Act, 1908, or the Rules made thereunder to refuse registration of a judgment and decree.

5. Mr. Mano relies upon a decision of this Court in W.P.No.4176 of 2025, dated 27.02.2025, to press home the point that there is a power in the court to direct deletion of an entry.

6. A perusal of that judgment shows that what had been registered was not a judgment or decree of a court, but an interlocutory order, passed in a pending suit. An interlocutory order is passed to maintain status quo pending the litigation and, obviously it does not create a limit on the existing rights of any party. It is only meant to preserve the status quo, pending litigation - *Arjun Singh v. Mohindra Kumar & Others*, AIR 1964 SC 993. The second portion of the judgment dealt with a direction given by another learned single Judge that pleadings could also be registered. That direction has been held to be *per incuriam*, as there was no provision under the Registration Act and the Rules with regard to registration of pleadings. In the present case, what has been registered is not an interlocutory order, but a decree.



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7. Apart from that, I find that a second appeal has been preferred to this Court in S.A.SR (MD) No.15657 of 2025. As regards the fear of Mr.Mano that respondents 4 and 5 may alienate the property pending the litigation, it is taken care of by Section 52 of the Transfer of Property Act. Even otherwise, it is always open to the petitioner to move the second appellate court and get appropriate orders of injunction not to alienate the suit property.

8. Leaving it open to the petitioner to work out his rights in the pending second appeal, this Writ Petition is dismissed. No costs. Consequently, the connected W.M.P.(MD) No.8058 of 2025 is closed.

22.04.2025

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

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V.LAKSHMINARAYANAN, J.

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