

W.P.(MD)No.17309 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 17309 of 2025

Murugan

...Petitioner

Vs.

1. The District Registrar,
Madurai South,
171, Palace Road,
Madurai.

2. The Sub Registrar,
Chekkanurani Sub Registrar Office,
Chekkanurani,
Madurai District.

3. R.Kannan

4. Thangaraj

...Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 1st respondent to cancel the registration registered by the 1st and 2nd respondent vide Document No.54/2024, as the same violates the decree passed in O.S. No.64/2019 by the 4th Additional District Court, Madurai



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and consequently direct the 2nd respondent to upload the judgement and decree in OS No.64/2019 dated 01.07.2022 in the relevant "Encumbrance Certificate" based on the petitioner's representation dated 13.03.2025 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : M/s. A.Banumathy,

For Respondents : Mr.D.Sasikumar,

Additional Government Pleader

For R1 & R2

Mr.A.Chandrakumar

For R4

ORDER

The present Writ Petition has been filed for the issuance of a *Writ of* Mandamus, directing the 1st respondent to cancel the registration registered by the 1st and 2nd respondent vide Document No.54/2024 and consequently direct the 2nd respondent to upload the judgement and decree passed in O.S.No.64/2019 dated 01.07.2022 in the relevant "Encumbrance Certificate" based on the petitioners representation dated 13.03.2025.



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2. The brief facts are that the petitioner is the younger brother of the 4th respondent. The 4th respondent developed acquaintance with the third respondent and the petitioner is the power agent of the third respondent for a short time. The third respondent owned property in S.Nos.413/4, 413/6, 413/7, to an extent of 9 acres 20 cents. A portion of land has already been sold by the third respondent and the remaining land is converted into housing plots. The third respondent proposed to sell the above said property and the fourth respondent agreed to purchase the same and they have entered into an agreement on 31.12.2018 for a sale consideration of Rs.68,50,000/- and an advance amount of Rs.65,00,000/- was paid in cash by the fourth respondent. The fourth respondent was ready to pay the balance amount of Rs.3,50,000/-, but the 3rd respondent has not come forward to execute the sale agreement. Hence, a suit in O.S.No.64 of 2019 was filed for specific performance before the 5th Additional District Court, Madurai. In the meanwhile, the third respondent was ready to register the property in the name of the petitioner and the fourth respondent and the parties have entered into a compromise agreement. The court had referred the case for mediation and the case was amicably settled before the mediation center and the suit was dismissed.



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In the meantime, the third respondent illegally registered the said property vide Doc.No.54 of 2024 before the second respondent and his name is entered in the encumbrance certificate of the said property. The said document is in violation of Court Decree and law. Further, the decree passed in O.S.No.64 of 2019 in favour of the 4th respondent ought to be duly uploaded in the "Encumbrance Certificate". Since the same was not uploaded. Hence, the present writ petition has been filed.

3. It is seen that the petitioner is the younger brother of 4th respondent. The 3rd respondent is the owner of the properties. The petitioner had acted power agent of the 3rd respondent for some time. The 3rd respondent and 4th respondent had entered into sale agreement dated 31.12.2018 by fixing the sale consideration as Rs.68,50,000/- and an advance of Rs.65,00,000/- was paid in cash and the balance of Rs. 3,50,000/- ought to be paid and the 4th respondent was ready to pay the same. But the 3rd respondent did not come forward to execute the sale deed. Hence O.S.No.64 of 2019 on the file of 5th Additional District Court, Madurai was filed by the 4th respondent. Thereafter the case was referred for mediation and the issues were settled before the mediation



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center. Based on the said award the suit was dismissed as withdrawn vide

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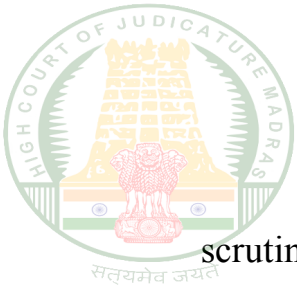
judgment dated 01.07.2022 and the relevant portion is extracted

hereunder:

“2. Both the parties present and submits that they have amicably settled their case before Mediation Centre and the suit is dismissed as settled before Mediation Centre. Refund Court fees as per rules. The agreement arrived between the parties before the Mediation Centre, will form part and parcel of the decree.”

4. However, subsequent the said decree the 3rd respondent had executed a document No.54 of 2024 and the same is illegal. Hence the petitioner had submitted objection. The respondent had issued notice of enquiry dated 03.03.2025, but no enquiry was conducted by the respondents. Hence the present writ petition is filed for Mandamus.

5. After hearing the arguments this Court is of the considered opinion that as far as the cancellation of the Document No.54 of 2024 is concerned, the same was executed after the judgment and decree, then the same ought to be cancelled. But it is settled proposition of law that the Civil Court alone is the competent authority to cancel the registered document. Of course it can be cancelled in writ proceedings, if deep



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scrutiny is not necessary. Further the said plea can be considered after

issuing notice to the 3rd respondent. In the present case, notice was issued to the 3rd respondent but the 3rd respondent failed to appear before this Court. Further the notice ought to be issued to the person who was beneficiary of the said document, but the beneficiary details are not submitted before this Court. Therefore, this Court is not in a position to entertain the said plea. Therefore, the petitioner and the defendants are at liberty to approach the Civil Court to redress the grievance.

6. As far as the prayer to entry the judgment and decree in the encumbrance, the same ought to be considered by the official respondents. If the judgment and decree is presented for registration then the same ought to be registered. There is no limitation for such registration. Therefore, the 2nd respondent is directed to register the judgment and decree along with the copy of the settlement. The said exercise shall be completed within a period of four weeks from the date of receipt of the copy of the order.



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7. With the above observations, the writ petition is disposed of.

No costs.

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NCC : Yes / No

Internet : Yes

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To:

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171, Palace Road,
Madurai.

2. The Sub Registrar,
Chekkanurani Sub Registrar Office,
Chekkanurani,
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S.SRIMATHY, J.

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ORDER MADE IN
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