

W.P(MD)No.19158 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.19158 of 2023

and

W.M.P.(MD)Nos.15893 and 15894 of 2023

M/s.Can Fin Homes Limited,
Through its Authorised Signatory,
Shiva VR,
B11, 2nd Floor, Star Towers,
12th Cross, Thillai Nagar,
Trichy-18.

... Petitioner

Vs.

1. The District Registrar,
Office of the District Registrar Office,
Public Office Compound,
Pudukkottai.

2. The Sub-Registrar,
Sub-Registrar Office,
Pudukkottai.

3. The Superintendent of Police,
Office of Superintendent of Police,
Pudukkottai District,
Pudukkottai.

4. P.Suriya Kumari
5. S.Palanivel
6. Selvam
7.Liyakathali

... Respondent(s)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to register and reflect the charge in favor of the company in respect of the property comprised in S.No.183/5A, admeasuring an extent of 1160 Sq.Ft., situated in West Park, Ponnagar, Pudukkottai South Taluk, Pudukkottai District, in the Encumbrance Register.

For Petitioner : Mr.S.I.Muthiah

For R1 & R2 : Mr.G.Suriya Ananth
Additional Government Pleader

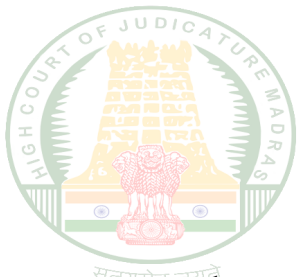
For R3 : M/s.M.Aasha
Government Advocate(Criminal Side)

(*)For R4 & R5 : Unclaimed

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the 2nd respondent to register and reflect the charge in favor of the company in respect of the property comprised in S.No.183/5A, admeasuring an extent of 1160 Sq.Ft., situated in West Park, Ponnagar, Pudukkottai South Taluk, Pudukkottai District, in the Encumbrance Register.

2.The 4th respondent is the borrower who borrowed from the petitioner company. The 5th respondent is the husband of the 4th respondent and the 6th



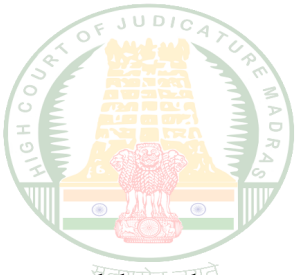
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respondent is the father of the 5th respondent. The 7th respondent is in possession of the property and he claims to be in possession based on the unregistered sale deed. The petitioner company has disbursed the loan based on the agreement between the parties. The respondents 4 and 5 has purchased the property after obtaining loan and executed a sale deed, dated 06.09.2019. In the payment schedule, the petitioner company's cheque is being stated as mode of payment. After obtaining loan, after paying through bank's cheque, the respondents 4 and 5 failed to execute the memorandum of deposit of title deeds.

3.The petitioner preferred a complaint to the Inspector of Police, Crime Branch, Pudukottai. However, the said complaint was not taken on file. Hence, the petitioner preferred a writ petition in W.P.(MD)No.25472 of 2023 and this Court, vide order, dated 12.12.2024, directed the petitioner to approach the appropriate Magistrate Court to file FIR and disposed the said writ petition. The petitioner could not process the same further.

4.In the meanwhile, the petitioner company had approached the Sub-Registrar to register the charge, but the official respondents refused to register. Hence, the present writ petition is filed to register the said charge. The respondents are refusing to register, since the respondents 4 and 5 failed to execute the memorandum of deposit of title deeds. Since the respondents 4 and 5 are adopting a



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dilated tactics, the reason stated by the respondents cannot be entertained.
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Therefore, the 2nd respondent is directed to register the charge in favour of the petitioner company based on the sale deed, dated 06.09.2019, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

26.06.2025

(*)Incorporated as per order of this Court dated 10.07.2025 made in WP(MD)No. 19158 of 2025.

Sd/-

Assistant Registrar (AD.II)

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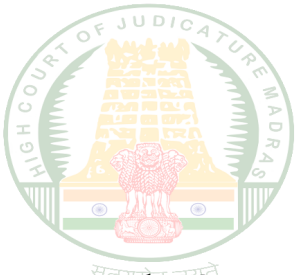
/ /2025

Sub Assistant Registrar
(CS-I/II/III/IV)

Tmg

To

1. The District Registrar,
Office of the District Registrar Office,
Public Office Compound,
Pudukkottai.
2. The Sub-Registrar,
Sub-Registrar Office,
Pudukkottai.



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3. The Superintendent of Police,
Office of Superintendent of Police,
Pudukkottai District,
Pudukkottai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+4 CC to M/s.S.I.MUTHIAH, Advocate (SR-37788[F] dated 27/06/2025)

+1 CC to M/s.SPL.GP (SR-37946[F] dated 27/06/2025)

**ORDER MADE IN
W.P(MD)No.19158 of 2023
DATED : 26.06.2025**

SL(11.07.2025)/5P/ 10C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.