



W.P(MD)No.20462 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.20462 of 2025

and

W.M.P.(MD)No.15871 and 15783 of 2025

M/s Can Fin Homes Limited,
Through its Authorised Signatory,
Shiva VR,
69D/4, First Floor Divya Corner,
Toovipuram, Thoothukudi.

...Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Thoothukudi District.

2.The Sub-Registrar
Sub-Registrar Office,
Udangudi,
Thoothukudi District.

3.K.Sivananthi

...Respondents

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 favour of the Company in respect of the property



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comprised in S.No.374/2, Sub Division 374/2A, Door No.42/1-58, Villikudieruppu, Udankudi, Tiruchendur Taluk, Tuticorin District, in the Encumbrance Register.

For Petitioner : Mr.S.I.Muthiah

For R1 and R2 : Mr.S.Saji Bino
Special Government Pleader

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 favour of the Company in respect of the property comprised in S.No.374/2, Sub Division 374/2A, Door No.42/1-58, Villikudieruppu, Udankudi, Tiruchendur Taluk, Tuticorin District, in the Encumbrance Register.

2.The 3rd respondent is a borrower from the petitioner's finance company. After obtaining the loan and the sale deed was executed and the same is presented to the petitioner. However, subsequently, the third respondent ought to have executed Memorandum of Deposit of Title deeds which has not been executed by the 3rd respondent and the third respondent is evading from executing the same. Hence, the petitioner company approached the Sub Registrar for registering the Memorandum of Deposit of Title Deeds. But the Sub Registrar refused to register the same citing that it is the third respondent who should



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approach and register the same. In the present case, since the third respondent is evading to register the same and the petitioner company cannot be punished for the for such attitude of the third respondent.

3. Therefore, the petitioner is directed to submit the Memorandum of Deposit Title Deeds to the second respondent. On such presentation, without insisting that the third respondent should sign and present the same, the second respondent shall register the Memorandum of Deposit Title Deeds and the same shall reflect in the encumbrance certificate.

4. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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

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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
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