



W.P(MD)No.25315 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25315 of 2025

and

W.M.P(MD)No.19858 of 2025

T.Athisayamani

... Petitioner

Vs.

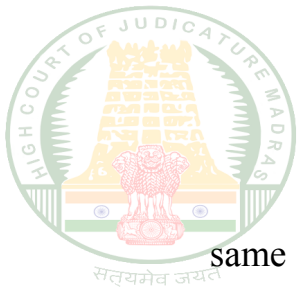
1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalai Puram,
Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
Virudhunagar District.

3.The Sub Registrar,
Sub Registrar Office,
Srivilliputhur, Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.4120/Aa1/2025 dated 17.07.2025 and quash the



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same and consequently direct the 2nd and 3rd respondents herein to delete, remove or efface the entry made in encumbrance or add a entry in the Encumbrance Certificate regarding Document No. 1326/1975 in respect Survey No. 45/1, Deivendri Village, Srivilliputhur Taluk, Virudhunagar District.

For Petitioner : Mr.K.Rajeswaran

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2.The writ petitioner's family had mortgaged the property in favour of one Kaliappan for a sum of Rs.1300/-(Rupees One Thousand and Three Hundred only) in the year 1975. It was registered as Document No.1326 of 1975 on the file of the Sub Registrar Office, Srivilliputhur. The claim of the petitioner is that the mortgage has been discharged in full but the discharge certificate was not registered. The petitioner now wants the aforesaid encumbrance to be deleted.

3.As rightly submitted by the learned Special Government Pleader, once an encumbrance has been entered, it cannot be deleted. If the



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petitioner obtains any discharge or cancellation, the same can be registered. Such is not the case here. Thiru.Kaliappan / the mortgagee has not been made as a party to this writ petition.

4.Since the mortgage is of the year 1975 and more than 50 years have elapsed, the mortgage obviously has become unenforceable. It is also well settled that the mere existence of an entry regarding a mortgage does not prevent the title holder from dealing with the property. The petitioner can very well ignore the aforesaid encumbrance and deal with the property.

5.With the aforesaid observation in favour of the writ petitioner, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

MGA

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalai Puram,
Chennai – 600 028.
- 2.The District Registrar,
Office of the District Registrar,
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