



W.P(MD)No.23235 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.08.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.23235 of 2024

and

WMP(MD)Nos.19679, 19680 of 2024 and 3658,5077 of 2025

M.Subramanian S/o. M. Muthaiah

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o. the Inspector General of Registration,
No. 100, Santhome High Road,
Foreshore Estate,
Chennai 600 028.
2. The District Registrar (Administration),
O/o. the District Registrar (Madurai South),
Registration Department,
Madurai.
3. The Sub Registrar,
Chekkanoorani Sub Registrar Office,
Registration Department,
Madurai South,
Madurai District.
4. Dhanalakshmi W/o.P. Subbukrishnan,

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for



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the records relating to the impugned order in Na.Ka.No. 8933/Aa2/2022 dated 06.01.2023 passed by the Respondent No. 2 and quash the same as illegal, consequently directing the Respondent No. 3 to remove the remarks in the encumbrance certificate as well as in the scanned document in Document No. 1463/2015 on the file of the Respondent No. 3 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

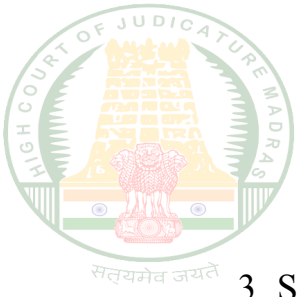
For Petitioner : M/s.V.S.Rishikesh

For Respondents : Mr.S.SajiBino
Spl. Govt. Pleader for R1 to R3
M/s.M.P.Senthil for R4

ORDER

The present Writ Petition has been filed to quash the impugned order in Na.Ka.No.8933/Aa2/2022 dated 06.01.2023 passed by the 2nd Respondent and consequently, to direct the 3rd Respondent to remove the remarks in the encumbrance certificate as well as in the scanned document in Document No. 1463/2015 on the file of the 3rd Respondent.

2. The contention of the Learned Counsel appearing for the petitioner is that the impugned proceeding was initiated based on the objection filed by the fourth respondent and further submitted that the second respondent have conducted an enquiry and passed impugned order under Sections 83 as well as 77-A of the Registration Act.



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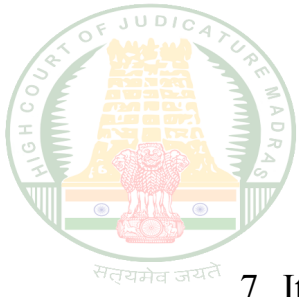
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3. Since the order is passed under Section 77-A of the Registration Act the same ought to be interfered with since the Section 77-A of the Registration Act, was struck down by the Hon'ble Division Bench of this Court. Therefore, that portion of the order which was passed under Section 77-A of the Registration Act ought to be set aside.

4. The learned counsel appearing for the fourth respondent vehemently opposed for quashing the said order passed in respect of Section 77-A of the Registration Act and submitted that the petitioner would encumber the property, therefore, his right will be affected. Further, the petitioner's vendor is also not having power to sell the property. Therefore, he objected to setting aside the order.

5. After hearing the rival submission made on either side, this Court is of the considered opinion that when the authorities are not having power to consider under Section 77-A of the Registration Act, then that portion of the order cannot be sustained the eye of law. Therefore, the same ought to be set aside.

6. Insofar the fraudulent transaction and declaration of fraudulent documents is concerned, this Court is not expressing any opinion, since based on the said finding, the petitioner is facing prosecution. Therefore, the said prosecution shall go on.



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7. It is submitted that there are several suits between the parties pending before various Civil Courts. Therefore, the issue dealt under Section 77-A of the Registration Act is left open for the parties to adjudication in the Civil Courts, including the prayer to set aside the sale deed.

8. Therefore, the portion of the impugned order in Na.Ka.No. 8933/Aa2/2022 dated 06.01.2023 passed by the Respondent No. 2, in respect of Section 77-A of Registration Act, is hereby partly quashed and the remaining portion of the order passed under Section 83 of the Registration Act, and criminal prosecution is confirmed.

9. If any party is not arrayed as party in the any civil suit, they at liberty to implead themselves in the said suits and worked out their remedy as per law.

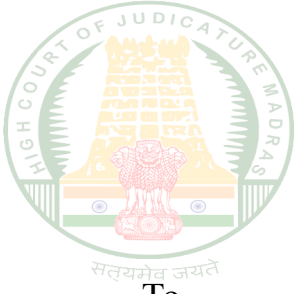
10. Accordingly, this writ petition is partly allowed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

29.08.2025

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

vsg

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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.23235 of 2024**

DATED :29.08.2025