



W.P(MD)No.26305 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26305 of 2025

Kumaradhas

... Petitioner

Vs.

1.The Inspector General
of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar (Administration),
Integrated Complex of
Registration Department,
24/169, Vettumani,
Marthandam,
Kanyakumari District – 629 165.

3.The Sub Registrar Joint II,
Joint II Sub Registrar Office,
Integrated Complex of
Registration Department,
24/169, Vettumani,
Marthandam,
Kanyakumari District – 629 165.

... Respondents



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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 of the second respondent in No.2262/0/2022 dated 10.03.2025 and quash the same and consequently direct the respondents to pass appropriate orders to remove the entries made in pursuant to the order passed by the second respondent in Ref No.2262/J/2022 dated 10.08.2022 in the encumbrance certificate and also permit the petitioner and his wife to deal with their share in respect of the property comprised in S.No.241/4 admeasuring 17.500 cents, S.No.248/1 admeasuring 6.250 cents, S.No.248/7 admeasuring 22.500 cents, S.No. 248/16 admeasuring 9 cents and S.No.287/1 admeasuring 12 cents of Pacode Village.

For Petitioner : Mr.P.Sonu

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2.The writ petitioner herein had executed a settlement deed vide Document No.622 of 2002 in favour of his wife Mercy Bhai. Based on the document, the petitioner's wife sold a portion in favour of few other persons. Aggrieved by the same, one Gnanadas / brother of the writ



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petitioner filed complaint before the District Registrar (Administration) under Section 77A of the Registration Act, 1908. The said complaint was accepted and adverse remarks were passed against the writ petitioner characterizing Document No.622 of 2002 as fraudulent. This endorsement was duly entered in the encumbrance register. Subsequently, the writ petitioner's wife and the writ petitioner filed W.P(MD)No.4286 of 2023 challenging the order dated 10.08.2022 passed by the District Registrar. The writ petition was allowed on 29.08.2024 and the said order was quashed. The petitioner's grievance is that the adverse endorsements and the remarks continue to figure in the encumbrance register. He wants the same to be deleted.

3.It is well settled that once entry is made in the encumbrance register, it cannot be deleted or erased. However, relief can be given to the writ petitioner by directing the third respondent to register the order dated 29.08.2024 made in W.P(MD)No.4286 of 2023. When the writ petitioner approached the second respondent with the aforesaid request, the request was rejected vide communication dated 10.03.2025. Challenging the same, this writ petition came to be filed.



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4.The request of the writ petitioner is most reasonable. The title of the petitioner as well as that of the subsequent alienees, has come under a cloud only because of the order passed by the District Registrar. That order has been quashed by this Court. Therefore, in the very nature of things the quashing order must also be duly entered in the encumbrance register.

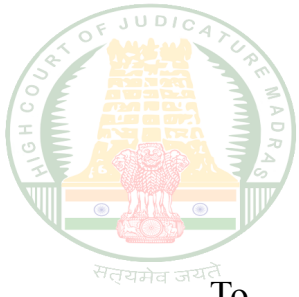
5.I therefore direct the third respondent to register the order dated 29.08.2024 made in W.P(MD)No.4286 of 2023. Since the restraint order passed by the second respondent herein had already been quashed, the third respondent cannot refuse to register any document by citing the said order.

6.This Writ Petition is allowed accordingly. No costs.

24.09.2025

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

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G.R.SWAMINATHAN, J.

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