



W.P(MD)No.30162 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.30162 of 2023

and

WMP(MD)No.25999 of 2023

K.Balakrishnan

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Madurai Division,
Madurai.

2.The Sub-Registrar,
Kodaikanal Sub-Registration District,
Kodaikanal,
Dindigul District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order vide Na.Ka.No.7440/Aa4/2019 dated 01.12.2020 on the file of the 1st respondent and quash the same as illegal and consequently direct the 2nd respondent to remove notes of the impugned order in Schedule II.

For Petitioner : Mr.P.Muthuvijayapandian

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader



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ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari to quash the impugned order in Na.Ka.No.7440/Aa4/2019 dated 01.12.2020 on the file of the 1st respondent and consequently direct the 2nd respondent to remove notes of the impugned order in Schedule II.

2.The learned counsel for the petitioner submitted that one Prabakaran and others have submitted a complaint to cancel the document in Doc. No.1779/18 and 1969/18. Based on the said complaint, the respondents have made an entry in the encumbrance register that there is a suit pending between the parties in O.S.No.75/2015. But the learned counsel for the petitioner submitted eventhough the said Prabakaran had filed a suit subsequently he has withdrawn the said suit. But the withdrawal has not been entered. Now the remark entered by the respondents is affected the petitioner's right to transact with the property. Therefore, the respondents, without knowing the true facts, have passed the impugned order.

3. The learned Additional Government Pleader for the respondents submitted that the withdrawal of the suit was not brought to the knowledge of the respondents. Therefore, they could not pass appropriate orders.



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4. Recording the said submission, this Court is of the considered opinion that once the suit has been withdrawn, the remarks has to be deleted. Therefore, the matter is remitted back to the respondents and the petitioner is directed to submit a certified copy of the suit decree and judgment. On such submission, the respondents shall consider for deleting the remarks entered in the Encumbrance Register and pass appropriate orders after issuing notice to the said Prabakaran and others, within a period of eight 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 petition is closed.

29.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
P JL

To
1. The Deputy Inspector General of Registration,
Madurai Division,
Madurai.

2. The Sub-Registrar,
Kodaikanal Sub-Registration District,
Kodaikanal, Dindigul District.



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S.SRIMATHY, J.

PJL

**ORDER MADE IN
W.P(MD)No.301620 of 2023**

DATED : 29.08.2025