



W.P.(MD) No.30600 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.30600 of 2024

and

W.M.P.(MD) No.25688 of 2024

Sarma Mahesh

... Petitioner

Vs

1. The District Registrar (Administration),
Marthandam,
Kanyakumari District.

2. The Sub Registrar,
Verkilambi Sub Registrar Office,
Kanyakumari District.

3. R.Sasikala

4. R.Vijayakumari

5. Punitha Kumari

6. Uma Maheswari

7. Santhi

8. K.Govindhan Nadar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent pertaining to its proceedings in No.



W.P.(MD) No.30600 of 2024

624/J/2022 dated 03.10.2022 and quash the same and consequently, direct the respondents 1 and 2 to remove the entry made in the Encumbrance Certificate pursuant to the first respondent impugned order forthwith.

For Petitioner : Mr.M.Dennis Joe

For Respondents : Mr.M.Lingaraj
Special Government Pleader for R1 & R2
Mr.K.Ragatheesh Kumar
for R3 to R5 & R7

ORDER

This Writ Petition is filed challenging the impugned order dated 03.10.2022. By virtue of the impugned order, the first respondent directed the Sub Registrar/second respondent to make an encumbrance with regard to the fraudulent transaction of the previous document dated 04.01.2021 (partition deed).

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the land in R.S.No.192/2 of Veyannoor Village, which was purchased from one Akila by virtue of a sale deed dated 19.11.2021 in Doc. No.3668/2021. The said Akila was purchased the same from one Iyappan bearing Doc.No.362/2021 and also the said Iyappan had right over the property by way of a partition deed dated 04.01.2021 in Doc. No.21/2021. When the petitioner proposed to obtain



W.P.(MD) No.30600 of 2024

loan, he came to know that an entry was made as if the partition deed in Doc.No.21/2021 dated 04.01.2021 was registered fraudulently.

3. The learned counsel for the respondents 3 to 5 and 7, who are the applicants in Section 68(2) proceedings, would submit that only the impugned order was passed to make a suitable entry with regard to the subject properties in Section 68(2) proceedings. However, the property in R.S.No.192/2 is not the subject matter in Section 68(2) proceedings, but it was wrongly entered in the Section 68(2) proceedings. Therefore, R.S.No.192/2 would not fall within the purview of the order dated 03.10.2022. Hence, appropriate orders may be passed to make suitable entries in the encumbrance certificate in this regard.

4. The learned counsel for the respondents 1 and 2 would submit that with such view of the matter, no representation was made. If any representation is made, the same will be considered.

5. This Court has heard the submissions made by both sides and perused the materials available on record.



W.P.(MD) No.30600 of 2024

6. In the present case, the parties to Section 68(2) proceedings are also the parties before this Court and they have made a submission stating that they have not made any reference regarding the petitioner's property in R.S.No.192/2. Therefore, an appropriate order has to be passed to make suitable entries so as to the subject property will not be covered under Section 68(2) proceedings of the first respondent. Hence, this Court directs the respondents 1 and 2 to make suitable entries to neutralize the encumbrance, as the order of the first respondent dated 03.10.2022 included the petitioner's property in R.S.No.192/2, wrongly, within a period of two (2) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.12.2025

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
apd

To
1. The District Registrar (Administration),
Marthandam,
Kanyakumari District.



W.P.(MD) No.30600 of 2024

KRISHNAN RAMASAMY, J.

apd

2. The Sub Registrar,
Verkilambi Sub Registrar Office,
Kanyakumari District.

W.P.(MD)No.30600 of 2024

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