



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

WP No. 8683 of 2026

1. Venkataswamy Reddy

Petitioner(s)

Vs

1. The District Registrar
Department of Registration No.1,
Dowladabad Thriuvannamalai Rad
Krishangiri -635 001

2.The Sub Registrar
Department of Registration
Kelamangalam Hosur Taluk,
Krishnagiri District

3.S.Malla Reddy

Respondent(s)

PRAYER

Directing the 2nd respondent to delete the entry relating to petitioner land comprised in S.No.110,113/2, 114/2 in S.Mudhuganapalli village, Hosur Taluk, Kelamangalam Sub Registration District, Krishnagiri District made on the basis of a fraudulent settlement deed by the 2nd respondent in the Encumbrance Register maintained by the 2nd respondent

For Petitioner(s): Mr.S.Subramanian

For Respondent(s): Mr.P.Harish Govt Advocate For
Respondents 1 and 2

R3 – notice dispensed with



ORDER

This writ petition has been filed to direct the second respondent to delete the entries in the Encumbrance Certificate relating to the petitioner's land, morefully described in the prayer to this writ petition, made on the basis of the alleged fraudulent settlement deed said to have been executed by the third respondent.

2. According to the petitioner, since the suit for redemption of mortgage, filed by the petitioner, seeking for redemption of mortgage has been decreed in favour of the petitioner by the civil court, the settlement deed said to have been executed by the third respondent, subsequent to the decree passed by the civil court is non-est in the eye of law and is a nullity.

3. The petitioner seeks for removal of the entries relating to the settlement deed in the Encumbrance Certificate for the property owned by the petitioner. The petitioner had given a representation on 06.12.2025 to the second respondent for the aforesaid purpose. Since the said representation was not considered, the petitioner has filed this writ petition.

4. The learned counsel for the petitioner also drew the attention of this Court to a judgment of the Hon'ble Supreme Court in the case of **Prem Singh and Others Vs. Birbal and Others** reported in **2006 (5) SCC 353** in support of the proposition that when a document is void *ab initio*, a decree for setting aside



the same would not be necessary as the same is non est in the eye of the law, as it would be a nullity. Therefore, he would submit that there is no necessity for the petitioner to approach the civil court for removal of the fraudulent entries of the settlement deed in the Encumbrance Certificate for the property owned by the petitioner.

5. The learned counsel for the petitioner would submit that since the petitioner has now become the absolute owner of the property since the civil court has passed a decree in favour of the petitioner in the redemption of mortgage suit filed by the petitioner. She would also submit that the subsequent execution of the settlement deed by the 3rd respondent has therefore got to be declared as a nullity and is a fraudulent document.

6. The learned Government Advocate appearing for the respondents 1 and 2, on instructions, would submit that the question of removal of the entry of the settlement deed in the Encumbrance Certificate executed by the 3rd respondent by the 2nd respondent will amount to cancellation of the said settlement deed indirectly and therefore, the said relief can be granted only by a competent civil court. At the same time, he would submit, on instructions, that the petitioner instead of seeking for removal of the entries of the settlement deed executed by the 3rd respondent, can very well present the civil court decree obtained by the petitioner in the redemption of mortgage suit in his favour for registration with the respondents and in which event if the same is accepted for registration, it



will neutralize the entry of the settlement deed in the Encumbrance Certificate for the subject property.

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7. The learned counsel for the petitioner would submit, on instructions, that the petitioner is willing to present the civil court decree passed in O.S. No. 57 of 1981 and A.S. No. 78 of 1994 for registrations, whereby the petitioner had succeeded in the redemption of mortgage suit.

8. Since no adverse orders are passed against the third respondent, notice to the third respondent is dispensed with by this Court.

9. In view of the same, this writ petition is disposed of by directing the petitioner to present the civil court decree passed in O.S. No. 57 of 1981 on the file of the District Munsif, Hosur and A.S. No. 78 of 1994 on the file of the Additional District Judge, Dharmapuri for registration with the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall register the said decrees, if it is otherwise in order and thereafter, take a decision with regard to the neutralization of the entry of the settlement deed executed by the 3rd respondent on merits and in accordance with law after hearing the objections of the 3rd respondent. No costs.

11-03-2026



Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1.The District Registrar
Department of Registration No.1,
Dowladabad Thriuvannamalai Rad
Krishangiri -635 001

2.The Sub Registrar
Department of Registration
Kelamangalam Hosur Taluk,
Krishnagiri District



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ABDUL QUDDHOSE J.

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