



WEB COPY

WP No. 15170 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 15170 of 2023

M.Rangan

..Petitioner(s)

Vs.

1. The Sub Registrar,
Mettupalayam Sub Registrar Office,
Coimbatore District.

2. Marthandan

3. Nanjan

4. Pathiyan

5. Seeran

6. Poalai @ Ramadass

7. Bakkiya

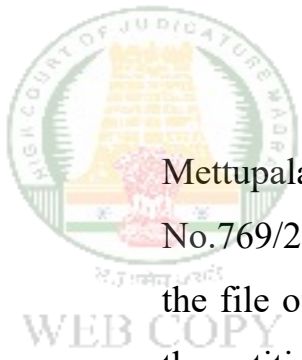
8. Muthan

9. Perumal Samy

10. Pathirammal

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of mandamus, directing the 1st respondent to cancel the above Doc.No.L-13 of 2011 dated 21.06.2011 and to remove the entry mentioned in the encumbrance of the petitioner's property situated in Coimbatore District,



Mettupalayam Taluk, Kommaarapalaym Village Patta No.928 bearing Survey No.769/2 for the extent of 1.66.0 Ares (Acre 4.10) in Doc.No.6027 of 2008 on the file of the Sub-Registrar Office, Mettupalayam by considering and dispose the petitioner's representation dated 08.03.2023.

For Petitioner(s): Mr.T.Elumalai

For Respondent(s): Mr.P.Harish
Government Advocate for R1

R2-Deceased (steps due)

R3, R4 & R8 – Not ready in notice

R5, R6, R7, R9, R10 – No appearance

ORDER

This Writ Petition has been filed seeking issuance of writ of mandamus, directing the 1st respondent to cancel the above Doc.No.L-13 of 2011 dated 21.06.2011 and to remove the entry mentioned in the encumbrance of the petitioner's property situated in Coimbatore District, Mettupalayam Taluk, Kommaarapalaym Village Patta No.928 bearing Survey No.769/2 for the extent of 1.66.0 Ares (Acre 4.10) in Doc.No.6027 of 2008 on the file of the Sub-Registrar Office, Mettupalayam by considering and dispose the petitioner's representation dated 08.03.2023.

2. The learned counsel appearing for the petitioner would submit that in a suit by the respondents 2 to 4 filed in O.S.No.160 of 2011, interim injunction was granted and the same was also entered in the encumbrance of the property



with the Sub-Registrar. Now the petitioner filed this writ petition to remove the entries mentioned in the encumbrance as the O.S.No.160 of 2011 has already been dismissed for default and the injunction got vacated.

3. The learned Government Advocate appearing for the 1st respondent would submit that in the present case, the 1st respondent cannot cancel any encumbrance already entered but the same can be neutralized, if any document is filed with regard to dismissal of the suit.

4. Heard the learned counsel appearing for the petitioner as well as the respondent and perused the material available on record.

5. As rightly pointed by the learned counsel for the 1st respondent, the encumbrance already made cannot be cancelled and the remedy available to the petitioner is only to neutralize the same by filing the judgment and decree of the suit said to have been dismissed for default.

6. In such being the case, no separate direction can be issued for the purpose of removing the encumbrance already made. It is open to the petitioner to file judgment and decree of the said suit. In the event any judgment and decree is filed, the concerned Sub-Registrar is directed to make an entry to that extent that in view of the dismissal of the suit, the interim injunction will come to an end.



7. This Writ Petition is disposed of with the above terms. No costs.

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27-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KKN



To

1. The Sub Registrar,
Mettupalayam Sub Registrar Office,
Coimbatore District.



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KRISHNAN RAMASAMY, J.

KKN

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