



WEB COPY

WP No. 38979 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 38979 of 2024

P.DEVARAJAN
S/O.LATE PONNAN,
NO.14 /10 a, KOTTACHECHEDU,
SALEM SALEM DISTRICT. 636601.

Petitioner(s)

Vs

1.THE DISTRICT REGISTRAR
NO.27 C, FIRST FLOOR,
RAMASUSNDARAM STREET,
AMMAPETTAI, SALEM DISTRICT.

2.THE SUB REGISTRAR,
YERCAUD SUB - REGISTRARTION
OFFICE, YERCAUD, SALEM
DISTRICT.

3.TMT. RAJAMANI,
W/O.VENKATACHLAM, NO.246,
VALAVANTHI, YERCAUD, SALEM
DISTRICT.

4.MR. DHARMALINGAM,
S/O.PALANIAPPAN, NO.5/13,
KOTTACHEDU, SALEM DISTRICT.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, Directing the 1st Respondent to remove the name



of the Third and Fourth Respondent Names from the encumbrance certificate, to pass an order based on in view of representation dated 04/10/2024.

WEB COPY

For Petitioner(s): No appearance

For Respondent(s): Mr.P.Harish, GA for R1 & 2
Mr.K.Prabhakaran, for R4
R3 No appearance

ORDER

This writ petition has been filed to direct the 1st respondent to remove the names of the 3rd and 4th respondent from the encumbrance certificate of the subject property.

2. In the present case, the main grievance of the petitioner is with regard to the inclusion of the names of 3rd and 4th respondents in the Encumbrance Certificate of the subject property.

3. On the other hand, the learned counsel for the official respondents would submit that the sale deed was registered in the name of 3rd and 4th respondents. Based on the said sale deed, they had entered the names of the 3rd & 4th respondents in the Encumbrance Certificate of the subject property. Hence, he would contend that there is no fault on the part of the official respondents and thus, he prays for dismissal of this petition.



4. Heard the learned counsel for the petitioner and the respondent and also perused the entire materials available on record.

WEB COPY

5. In the case on hand, according to the respondents, the sale deed was registered in the name of 3rd & 4th respondents. Based on the said sale deed, the official respondents had entered the names of 3rd and 4th respondent in the Encumbrance Certificate of the subject property. In such case, there is no fault on the part of the respondents.

6. Admittedly, it is not the case, where the name of a 3rd party is inadvertently included/entered in the EC. In this case, the respondents had included the names of 3rd & 4th respondent in the EC, based on the sale deed executed in favour of them.

7. Further, once the entry is made, the same cannot be removed by the respondents without obtaining orders from any Court of law. If there is any illegality or fraudulent activities involved in this matter, the same has to be established by the petitioner before an appropriate Civil Court in accordance with law. In such case, even if any direction is issued by this Court for consideration of petitioner's representation, the respondents will not be able to pass any orders in favour of the petitioner for removal of entries.



8. Therefore, as discussed above, it is up to the petitioner to establish the fraudulent activities, said to have been involved in this matter, before an appropriate Civil Court, and thereafter, obtain an order for removal of entries from the EC pertaining to subject property. In such case, this Court is inclined to dismiss the present petition.

9. Accordingly, this writ petition is dismissed. No cost.

09-04-2026

nsa

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1..THE DISTRICT REGISTRAR
NO.27 C, FIRST FLOOR,
RAMASUSNDARAM STREET,
AMMAPETTAI, SALEM DISTRICT.

2.THE SUB REGISTRAR,
YERCAUD SUB - REGISTRARTION
OFFICE, YERCAUD, SALEM
DISTRICT.



WEB COPY

WP No. 38979 of 2024



KRISHNAN RAMASAMY J.
nsa

WP No. 38979 of 2024

09-04-2026