



W.P.(MD) No.9614 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.9614 of 2026

S.Natarajan

... Petitioner

Vs.

1.The District Registrar,
Tiruchurappalli District,
Tiruchirappalli.

2.The Sub Registrar,
Manachanallur,
Tiruchirappalli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the first respondent to efface/delete the Remarks entered along with the encumbrance for the Sale Deed dated 22.12.2006, registered as Document No. 2860/2006, from the Encumbrance Certificate upon his representation dated 20.03.2026, within anytime stipulated by this Court.

For Petitioner : Mr.M.Dinesh Hari Sudarsan

For Respondents : Mr.F.Deepak
Special Government Pleader



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ORDER

This Writ Petition is filed for a mandamus directing the first respondent to efface/delete the remarks entered in the Encumbrance Register in respect of the Sale Deed dated 22.12.2006, registered as Document No.2860 of 2006, by considering the petitioner's representation dated 20.03.2026.

2. Upon hearing the learned counsel for the petitioner, it is seen that the grievance of the petitioner is that the District Registrar, the first respondent herein, had originally adjudicated the document as a fraudulent one and pursuant to such adjudication, an entry has been made in the Encumbrance Register categorising the document as having been registered on the basis of false particulars and as being fraudulent in nature. It is the contention of the petitioner that the said issue was subsequently considered in detail by the Civil Court in O.S.No.152 of 2011 and a Judgment and Decree dated 31.07.2025 came to be passed in favour of the petitioner. In such circumstances, the petitioner has prayed for deletion of the said remarks.



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3. With reference to the prayer of the petitioner, the Encumbrance Register is there to reflect whatever has happened in respect of the said property. When the Registrar has earlier decided a particular document as a wrongful document, the said entry will be reflected and it cannot be deleted. This position has already been considered by a Division Bench of this Court in ***M/s.Tamilnadu Mercantile Bank Ltd., represented by its Branch Manager vs. The Sub Registrar, SH 49, Sabai Colony, Sembakkam, Rajakilpakkam, Chennai – 600 073 and another***, by order dated 19.10.2024 in W.P.No. 15451 of 2024, wherein it has been held that there is no provision in the Registration Act permitting the registering authorities to delete an entry already recorded in the Encumbrance Register/Certificate. Paragraph 21 of the said judgment is extracted hereunder for ready reference:

“21. With regard to deletion of the entry, namely, the attachment in favour of the 2nd respondent, we do not find any provisions in the Registration Act which permit the registering authorities to delete an entry which is already finding place in the Encumbrance Register/Certificate. However, in terms of the customary practice and well settled procedure, the Registrar is duty bound to cause a contra entry stating that the said attachment in favour of the 2nd respondent stands raised in view of the exercise of the priority right by the



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Petitioner Bank by bringing the property for sale in public auction and consequently, conveying the said property in favour of the auction purchaser, Mrs.Kala Ramu. Insofar as this limb of the prayer, we therefore direct the 1st respondent to make an entry in the Encumbrance Records to reflect in the Encumbrance Certificate, notifying that the attachment in favour of the 2nd respondent in entry, Document No.04 of 2022 dated 05.01.2022, stands cancelled in view of the auction sale conducted by the Petitioner Bank in favour of Mrs.Kala Ramu on 31.08.2023 and consequent registration of the sale certificate which is also being ordered in this writ petition.”

4. If it is the contention of the petitioner that the subsequent decree or judgment nullifies the said order or the effect of the said order, it will be open for the petitioner to present the said judgment and decree for registration and once the judgment and decree stand registered, it is for the person who looks into the encumbrance to construe the meaning of the judgment and decree as well as the earlier entry. Therefore, with the said liberty kept open, the prayer as such cannot be countenanced. Needless to mention that as and when the judgment and decree are presented in accordance with law, the same shall be considered for registration in accordance with law.



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5. Accordingly, this Writ Petition is disposed of. No costs.

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Neutral Citation : Yes

To

1.The District Registrar,
Tiruchurappalli District,
Tiruchirappalli.

2.The Sub Registrar,
Manachanallur,
Tiruchirappalli.



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D.BHARATHA CHAKRAVARTHY, J.

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