



W.P.(MD)No.11411 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 21.04.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.11411 of 2026

S.Murugan

... Petitioner

Vs.

1.The District Registrar,
Sivaganga District.

2.The Sub Registrar,
Thirupuvanam,
Sivaganga District.

3.Chellamuthu

4.Sivaraja

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 10.02.2026, to make necessary entries in the Encumbrance Certificate indicating the pendency of the suit in O.S.No.85 of 2025, on the file of Sub Court, Maanamadurai in respect of the petition mentioned property.



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For Petitioner : Mr.J.Lakshmi Prasanna

For Respondents : Mr.F.Deepak,
Spl. Government Pleader for R1 & R2.

ORDER

The writ petition is filed for considering the representation of the petitioner dated 10.02.2026 and to make necessary entries in the encumbrance certificate indicating the pendency of the suit in O.S.No.85 of 2025 on the file of the Sub Court, Manamadurai.

2.It is the contention of the petitioner that the petitioner is the owner of the property and when the suit is pending, the respondents 3 and 4 are now trying to create third party interest and causing serious prejudice to the petitioner.

3.I heard the learned Special Government Pleader appearing on behalf the respondents 1 and 2. It is already held by this Court that mere pendency of a suit cannot be a matter that can be considered by the Sub Registrar even in cases, where the Sub Registrar is also made as a



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defendant in the suit. Therefore, pendency of a suit by itself cannot be registered as an encumbrance in respect of the property. If the petitioner has an apprehension that third party rights will be created and prejudice will be caused to him, it will be open for the petitioner to file an appropriate interim application in the very same suit that is pending and as and when, any Civil Court's order is obtained in favour of the petitioner, the same can be presented for registration before the Sub Registrar, which will be considered and obeyed with in accordance with the directions that are contained in the interim order passed by the Civil Court.

4.Keeping the said liberty open, the prayer in the writ petition cannot be countenanced and as such, this writ petition is disposed of accordingly. No costs.

21.04.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

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Sivaganga District.
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D.BHARATHA CHAKRAVARTHY, J.

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