



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.06.2026

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**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.14461 of 2026

P.Prasanna Balaji

... Petitioner

Vs.

- 1.The State of Tamil Nadu Rep by
The Inspector General of Registration Department,
O/o.The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalaipuram,
Chennai.
- 2.The State of Tamil Nadu
Rep by Deputy General of Registration Department,
O/o.The Deputy General of Registration Department,
Rajakambeeram,
Y.Othakadai,
Madurai.
- 3.The State of Tamil Nadu
Rep by the District Registrar
O/o.The District Registrar
Madurai District.
- 4.The State of Tamil Nadu,
Rep by the Sub Registrar,
O/o.The Sub Registrar,
Sokkikulam,
Madurai North,
Madurai.

...Respondents



Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to remove the attachment entry pertaining to the petitioner's property made in encumbrance certificate(EC) based on E.P.No.223 of 2023 (arising out of Arbitration Case No.536 of 2022), in view of the fact that the said execution petition has been dismissed on 22.04.2025 by considering the petitioner's representation dated 22.04.2026.

For Petitioner :Mr.A.Naresh Prabu

For Respondents :Mr.R.Parthiban,
Government Advocate

ORDER

This writ petition is filed for a mandamus directing the respondents to remove the attachment entry pertaining to the petitioner's property made in encumbrance certificate based on E.P.No.223 of 2023 (arising out of Arbitration Case No.536 of 2022).

2.The learned counsel for the petitioner would submit that originally pursuant to the award in Arbitration Case No.536 of 2022, in EP No.223 of 2023, the property in question was attached and as such, the attachment is now reflected in the encumbrance. Subsequently the award of the arbitrator itself was challenged in Arbitration O.P(COM.DIV.)No.543 of 2023, and by a judgment dated 25.02.2025, the award itself is set aside. In view thereof,



the petitioner is seeking to remove the entry as the same reflects an unnecessary encumbrance in the petitioner's property.

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3.Per Contra, the learned Government Advocate would submit that the entry was made pursuant to the order of attachment. If the consequential order can be presented for registration, the petitioner's grievance can be redressed.

4.I have considered the rival submissions made on either side and perused the material records of the case.

5.The Division Bench of this Court in *M/s.Tamil Nadu Mercantile Bank Ltd., vs. The Sub-Registrar, Rajakilapakkam and another(2024(5) LW 502)*, has held that the entry is made in the encumbrance cannot be erased. The grievance of the petitioner is that the property as on date is without any encumbrance and therefore, this unnecessary encumbrance of attachment order should not fetter the petitioner from in any manner dealing with the property. Once the arbitration award itself is dismissed and the execution petition in EP No.223 of 2023 was dismissed on 22.04.2025, the attachment is no longer in existence. However, this to be reflected in the encumbrance, the petitioner can present a certified copy of the dismissal of



the execution petition in EP No.223 of 2023 and the judgment and decree in Arbitration O.P(COM. DIV.)No.543 of 2023 and the same shall be duly registered and the same will reflect in the encumbrance and the same will redress the grievance of the petitioner. Whatever happened will be reflected in the encumbrance certificate and the same cannot be entries already made can be erased altogether.

6.In view thereof, this writ petition is ordered on the following terms:

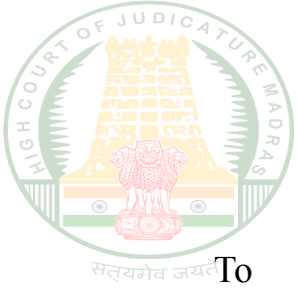
(i)Along with the web copy of the order, without waiting for the certified copy of the order, the petitioner can present the certified copies of the dismissal of the execution petition in EP No.223 of 2023 and the Arbitration O.P(COM. DIV.)No.543 of 2023.

(ii)Upon such presentation, the same shall be duly registered and the same shall be duly reflected in the encumbrance of the said property.

(iii)No costs.

02.06.2026

NCC:Yes/No
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D.BHARATHA CHAKRAVARTHY, J.

Ns

W.P(MD)No.14461 of 2026

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