



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 25<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO. 6910 OF 2026 (GM-ST/RN)**

**R**

**BETWEEN:**

MR. ANTONY SAMY K  
S/O KULANDAI UDAIYAR,  
AGED ABOUT 68 YEARS,  
RESIDING AT NO. 10, TONY HOUSE,  
10<sup>TH</sup> CROSS, 3<sup>RD</sup> MAIN, NEAR HOME TECH  
APARTMENTS, LBS NAGAR,  
BANGALORE-560017

ALSO AT NO. 210, MIDDLE STREET,  
GANDARVAKOTTAI TALUK,  
THACHANKURICHI POST,  
PUDUKKOTTAI DISTRICT

...PETITIONER

(BY SRI. BHARGAVA D BHAT.,ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY,  
REVENUE DEPARTMENT,  
M.S. BUILDING, BENGALURU - 560001.
2. THE SUB-REGISTRAR  
MAHHADEVAPURA SUB-REGISTRAR OFFICE  
AMBIKA SQUARE, A-53,  
WHITEFIELD MAIN ROAD,  
KAMADHENU NAGAR  
B. NARAYANAPURA  
MAHADEVAPURA,





BENGALURU  
KARNATAKA - 560016,

...RESPONDENTS

(BY SRI. NAVYA SHEKHAR, AGA FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT DIRECTING THE RESPONDENTS, PARTICULARLY R2, TO MAKE NECESSARY ENTRIES IN THE ENCUMBRANCE REGISTER AND ENCUMBRANCE CERTIFICATE PERTAINING TO THE SCHEDULE PROPERTY REFLECTING THE CANCELLATION OF -A THE JOINT DEVELOPMENT AGREEMENT DATED 22.07.2024, REGISTERED AS DOCUMENT NO. MDP-1-02680-2024-25. AND (ANNEXURE-A) ETC.,

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**ORAL ORDER**

The captioned petition is filed seeking a writ of mandamus directing the respondent No.2 to make necessary entries in the Encumbrance Register and Encumbrance Certificate pertaining to the schedule property reflecting the cancellation of the Joint Development Agreement dated 22.07.2024 vide Annexure-A and the General Power of Attorney dated 22.07.2024 vide Annexure-B in terms of the judgment and decree dated 09.10.2025 passed in



Com.O.S.No.1020/2025 by the LXXXV Additional City Civil & Sessions Judge, Bengaluru.

2. The petitioner claims to be the absolute owner and in possession of the suit schedule property. The petitioner contends that one Mallikarjun, Managing partner of M/s. Matrix Infra, approached him with a proposal to develop the suit schedule property into a multi-storied residential complex under a Joint Development Agreement (JDA) model. Believing the representation made by the said developer to be genuine, the petitioner executed a registered Joint Development Agreement dated 22.07.2024 and, on the very same day, also executed a registered General Power of Attorney (GPA) in favour of the developer.

3. It is the specific case of the petitioner that despite execution of the said documents, the developer failed to commence any development activity or take any steps to obtain the necessary statutory approvals from the



competent authorities. The petitioner states that repeated requests and follow-ups yielded no response. Consequently, the petitioner issued written reminders dated 05.05.2025, 19.05.2025 and 02.06.2025, calling upon the developer to commence development in accordance with the terms of the JDA and GPA. Despite the said communications, the developer failed to take any steps.

4. In view of the breach of obligations under the JDA, the petitioner instituted a suit before the Commercial Court in Com.O.S.No.1020/2025 seeking a declaration that the registered JDA and GPA stood terminated and cancelled. The defendant, despite service of summons, failed to appear before the Court and was placed ex-parte. The Commercial Court, by judgment and decree dated 09.10.2025, declared that the registered JDA and GPA stood terminated, cancelled and unenforceable in law.



5. Pursuant to the decree, the petitioner submitted a representation before the jurisdictional Sub-Registrar requesting that appropriate entries reflecting the cancellation of the aforesaid documents be incorporated in the Encumbrance Certificate (EC) and the relevant registers, in terms of the decree passed by the Commercial Court.

6. The Sub-Registrar, however, issued an endorsement dated 02.02.2026 refusing to act upon the decree on the ground that the Court had not communicated the decree directly to the registration office and that necessary directions from this Court were required. The petitioner has therefore approached this Court questioning the legality of the said endorsement.

7. The issue that arises for consideration is whether the Sub-Registrar could have declined to act upon a decree of a competent civil court cancelling registered



instruments merely on the ground that a formal communication from the Court was not received.

8. Section 31(2) of the Specific Relief Act, 1963 (for short 'Act, 1963') reads thus:

*"If the instrument has been registered under the Indian Registration Act, 1908, the court shall also send a copy of its decree to the officer in whose office the instrument has been so registered; and such officer shall note on the copy of the instrument contained in his book the fact of its cancellation."*

9. The provision casts an obligation on the Court to communicate the decree and correspondingly requires the registering authority to record the cancellation. The procedural mechanism for recording such cancellation is contained in Rule 123 of the Karnataka Registration Rules, 1965 (for short '1965 Rules') which mandates the Sub-Registrar to enter a note of cancellation both in the relevant register and the corresponding index.



10. A conjoint reading of Section 31(2) of the Act, 1963 and Rule 123 of the 1965 Rules clearly indicates that once a competent court declares a registered instrument to be void or cancelled, the registering authority is required to make an appropriate endorsement in the register and indexes indicating such cancellation.

11. In the present case, the petitioner produced before the Sub-Registrar a certified copy of the judgment and decree passed by the Commercial Court declaring the registered JDA and GPA as terminated and cancelled. The decree passed by a competent civil court has binding force and remains operative unless set aside by a superior court.

12. The refusal by the Sub-Registrar to act upon the decree on the ground that the Court had not communicated the decree directly reflects a complete misapprehension of the statutory scheme.



13. The function of the Sub-Registrar in such circumstances is purely ministerial. The registering authority cannot sit in appeal over the decree of a competent court nor can it insist upon procedural formalities which effectively render the decree nugatory.

14. The approach adopted by the Sub-Registrar, if accepted, would lead to a wholly untenable situation where the efficacy of a judicial decree becomes dependent upon the administrative convenience of a registering authority. Such a position is antithetical to the rule of law.

15. When a certified copy of a decree cancelling a registered instrument is produced, the registering authority cannot refuse to act upon it merely on the ground that the decree was not separately communicated by the Court. Certified copies issued by courts carry statutory authenticity and must be treated as conclusive proof of the decree.



16. The endorsement issued by the Sub-Registrar declining to give effect to the decree therefore reflects arbitrariness and abdication of statutory duty. Public authorities entrusted with statutory functions are expected to act with due diligence and respect for judicial orders.

17. The present case highlights a recurring problem faced by litigants even after obtaining decrees cancelling registered documents. The absence of a streamlined mechanism for communication between civil courts and registration offices often results in unnecessary hardship to parties.

18. While Section 31(2) of the Act, 1963 obligates Courts to send a copy of the decree to the registering authority, the absence of standardized procedural directions frequently leads to delays or administrative ambiguity.

19. Failure on the part of civil courts to communicate decrees cancelling registered instruments to



the jurisdictional Sub-Registrar, as contemplated under Section 31(2) of the Act, 1963, has far-reaching practical consequences. When such communication is not transmitted, the registering authorities often decline to record the cancellation in the relevant registers and indexes, citing absence of formal intimation from the Court. This results in a situation where, notwithstanding a valid and binding decree declaring the instrument void or cancelled, the public records maintained in the registration office continue to reflect the document as subsisting.

20. The inevitable consequence is that parties who have already obtained a decree from a competent civil court are compelled to once again approach this Court under Article 226 of the Constitution of India seeking directions to the Sub-Registrar to give effect to the decree. Such avoidable litigation leads to unnecessary flooding of the writ jurisdiction of this Court and imposes an unwarranted burden on the constitutional courts, which are then required to expend valuable judicial time on



matters that are essentially ministerial and administrative in nature. If the mandate under Section 31(2) of the Act, 1963 is scrupulously followed by civil courts by promptly communicating decrees cancelling registered instruments to the registering authority, a significant volume of such avoidable writ petitions can be prevented, thereby preserving the scarce judicial time of constitutional courts for adjudication of substantive disputes requiring judicial determination.

21. In order to avoid recurrence of such situations and to ensure effective implementation of decrees cancelling registered documents, this Court deems it appropriate to issue certain guidelines both to civil courts and registering authorities.

22. In suits where a registered document is declared void, cancelled, or terminated, all civil courts and commercial courts in the State shall ensure the following:



a) Whenever a decree is passed cancelling or declaring void a registered instrument relating to immovable property, the Court shall direct the office to transmit a copy of the decree to the jurisdictional Sub-Registrar in whose office the document was registered.

b) The communication shall ordinarily be sent within four weeks from the date of decree.

c) The communication shall clearly mention the document number, the date of registration, the book and volume, and the nature of the document cancelled.

d) The decree transmitted shall be accompanied by a covering communication requesting the Sub-Registrar to make necessary entries in the relevant register and indexes in terms of Section 31(2) of the Act, 1963 and Rule 123 of the 1965 Rules.

23. All Sub-Registrars in the State shall adhere to the following directions:



a) Whenever a decree cancelling a registered document is communicated by a civil court, the Sub-Registrar shall make the required entries in the relevant register and indexes within four weeks of receipt of such communication.

b) Even in cases where no formal communication is received from the Court, if a party produces a certified copy of the judgment and decree declaring the registered instrument as cancelled or void, the Sub-Registrar shall not refuse to act upon the decree.

c) In such cases, the Sub-Registrar shall verify the authenticity of the certified copy and thereafter record the cancellation in the relevant registers and indexes in accordance with the Rule 123 of the 1965 Rules.

d) The registering authority shall not insist upon separate orders of the High Court or any other authority once a competent civil court has declared the document to be void or cancelled.



e) The role of the Sub-Registrar in such cases being ministerial, the authority shall not adjudicate upon the correctness or validity of the decree.

24. In the present case, the refusal by the Sub-Registrar to give effect to the decree passed in Com.O.S. No.1020/2025 is wholly unsustainable in law. The endorsement dated 02.02.2026 therefore cannot be allowed to stand.

25. Accordingly, this Court proceeds to pass the following:

ORDER

(i) The writ petition is **allowed**;

(ii) The endorsement dated 02.02.2026 issued by the respondent No.2/Sub-Registrar vide Annexure-E is quashed;

(iii) The jurisdictional Sub-Registrar is directed to record the cancellation of the registered Joint Development Agreement dated



22.07.2024 and the registered General Power of Attorney executed on the same day, in terms of the decree passed in Com.O.S.No.1020/2025 dated 09.10.2025.

(iv) Necessary entries shall be made in the relevant register, Index No.II and Encumbrance records strictly in accordance with Rule 123 of the Karnataka Registration Rules, within four weeks from the date of receipt of a certified copy of this order;

(v) The guidelines issued in paragraphs 22 and 23 above shall be followed by all civil courts and registering authorities in the State.

Sd/-  
**(SACHIN SHANKAR MAGADUM)**  
**JUDGE**

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List No.: 2 Sl No.: 145