



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.09.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.17150 of 2015

Subbulakshmi

...Petitioner

Vs.

The Joint Sub-Registrar No.1,
Madurai South,
Palace Road,
Madurai - 625 001.

...Respondent

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to consider the representation of the petitioner, dated 31.08.2015 and to register the decree, dated 28.06.2013 passed in the suit in O.S.No.23 of 2006 on the file of the District Munsif Court, Thirumangalam.

For petitioner
For Respondent

: Mr.J.Barathan
: Mr.M.Rajarajan
Government Advocate

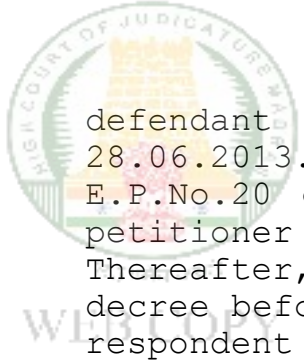
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondent to consider the representation of the petitioner, dated 31.08.2015 and to register the decree, dated 28.06.2013 passed in the suit in O.S.No.23 of 2006 on the file of the District Munsif Court, Thirumangalam.

2. Mr.M.Rajarajan, learned Government Advocate takes notice for the respondent.

3. By consent, the Writ Petition itself is taken up for final disposal.

4.It is averred in the petition that in the year 2006, the petitioner filed a suit in O.S.No.23 of 2006 on the file of the District Munsif Court, Thirumangalam, praying for a decree of declaration and permanent injunction in respect the suit property, against one Radhika. The learned District Munsif passed a decree on 28.06.2013 declaring that the petitioner is the owner of the suit property, since the learned District Munsif came to the conclusion that the petitioner is not in possession of the suit property, he had granted the relief of recovery of possession directing the defendant to hand over the possession of the suit property within a period of three months from the date of decree. Thereafter, the



defendant did not file any appeal challenging the said decree dated 28.06.2013. Subsequently, the petitioner filed E.P.No.20 of 2014 and the same was ordered on 27.02.2015 and the petitioner took delivery of the suit property on 27.06.2015. Thereafter, the petitioner presented the certified copy of the decree before the respondent on 27.08.2015 for registration. But the respondent refused to register the same stating that the decree for declaration of title and recovery of possession cannot be registered and only a final decree for partition alone can be registered. But, it is the contention of the petitioner that as per the Registration Act, there is no impediment to register the decree submitted by the petitioner. Hence, the petitioner has made a representation before the respondent on 31.08.2015 requesting to register the document. But the same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the respondent to consider the representation of the petitioner, dated 31.08.2015, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub-Assistant Registrar

To
The Joint Sub-Registrar No.1,
Madurai South,
Palace Road,
Madurai - 625 001.

+One cc to Mr.T.R.Jeyapalam, Advocate, SR.No.56217

pm
RL/3 c- 5/10/2015

W.P (MD) No17150 of 2015

22.09.2015