



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P. (MD)No.934 of 2019

Dhanasamy

... Petitioner

/Vs./

1.The Sub-Registrar,
O/o Sub-Registrar Office-I,
Pudukkottai.

2.Rajalakshmi

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the first respondent to delete the entries relating to the second respondent in the encumbrance certificate in respect of Plot No.32 situated at north 2nd street, Pudukkottai as per the Lok Adalat award dated 20.08.2009 by considering the representation of the petitioner dated 27.09.2018.

For Petitioner	: Mr.B.Rajesh
	for Mr.J.Anandkumar
For Respondent	: Mr.M.Murugan (for R1)
	Government Advocate

ORDER

Mr.B.Rajesh, learned counsel for writ petitioner is before this Court.

2. Mr.M.Murugan, learned Government Advocate, accepts notice on behalf of first respondent.

3. From the submissions made before this Court today, it comes to light that an order can be passed in such a manner that it is not adverse to the second respondent (private respondent) or in other words, an order disposing of the writ petition can be passed by making sufficient safeguards for the second respondent, details of which have been alluded to infra.

4.In the aforesaid backdrop, with consent of the learned counsel for writ petitioner and the State counsel for the first respondent, main writ petition is taken up, heard out and is being disposed of.



5. The main writ petition turns on a very narrow compass and short facts shorn of elaboration will suffice.

6. With regard to factual matrix, suffice to say that the writ petitioner had purchased a piece of land i.e., described as Plot Nos.32 and 38 in North 2nd street, Pudukkottai and subsequently, realized that the writ petitioner's vendor had sold the same set of plots to the second respondent also. This triggered litigation between the writ petitioner and the second respondent being O.S.No.98 of 2003 on the file of the Sub-Court, Pudukkottai, this suit, culminating in an award before the Lok Adalat convened by the Jurisdictional District Legal Services Authority, namely, District Legal Services Authority, Pudukkottai. The award is dated 20.08.2019.

7. A perusal of the award reveals that the writ petitioner and the second respondent have agreed to take one plot each, details of which have been articulated in the award of the Lok Adalat. The writ petitioner, based on aforesaid award of the Lok Adalat, has sent a representation to the first respondent being representation dated 27.09.2018 (hereinafter 'said representation' for brevity, clarity and convenience). *Inter alia* seeking suitable entries in the registers of the first respondent, pursuant to the aforesaid award of the Lok Adalat.

8. In response to the aforesaid plea, learned State Counsel for the first respondent drawing the attention of this Court *inter alia* to Section 23 of the Registration Act, 1908 (hereinafter referred to the 'said Act' for brevity) submits that the said Act talks about 'decree or order', but there is no mention about award of a Lok Adalat.

9. In the aforesaid backdrop, it emerges clearly that the limited issue that arises in the instant matter is whether the aforesaid award being an award made by the Lok Adalat convened by the Jurisdictional Legal Services Authority, which by itself is the statutory authority under Legal Services Authorities Act, can be construed as a decree or order of the Court within the meaning of Section 23 of said Act.

10. This Court has no hesitation in holding with an award of the Lok Adalat made in a pending suit between the parties, should necessarily be construed as a decree of the Court owing to Section 89 of the Code of Civil Procedure, 1908 and the scheme of Legal Services Authorities Act.

11. Now that the aforesaid limited issue that arises for consideration in the instant writ petition has been clarified with specificity, first respondent shall consider the said representation of the writ petitioner, in the light of the aforesaid clarification made with specificity and do the needful.



12. Be that as it may, while doing so, if the rights of any other third party/parties or third party entity/entities is/are likely to be affected, the first respondent shall put them on notice before conclusively taking a decision on the said representation and doing all i.e., the consequential thereto. The aforesaid exercise shall be completed by the first respondent as expeditiously as possible in any event within a period of 12 weeks from the date of receipt of a copy of this order.

13. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

The Sub-Registrar,
O/o Sub-Registrar Office-I,
Pudukkottai.

+1 CC to M/s.J. ANANDKUMAR, Advocate (SR-85465[F] dated 05/09/2019)

+1 CC to M/s.GP (SR-85898[F] dated 09/09/2019)

Order made in
W.P.(MD)No.934 of 2019
05.09.2019

__KM/ (26.09.2019) 3P 4C