



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.17322 of 2019

and

W.M.P.(MD)Nos.13836 & 13838 of 2019

Velu

...Petitioner

-Vs-

1.The District Registrar (Admin),
Karaikudi,
Sivagangai District

2.The Sub Registrar,
Singampunrai,
Sivagangai District.

3. Rajamanickam

4. Muthammal

5. Kalyani

6. Suresh,

7. Alagu @ Muthalagu

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the record relating the rejection order made in Na.Ka.No.1376/Aa1/2019 dated 14.06.2019 on the file of the first respondent and quash the same and directing the first respondent to carry out necessary entries in schedule II in respect of the petitioner's land in S.Nos.147/9A, (to the extent of 0.08.50 Hectare), 147/9B (to the extent of 0.06.00 Hectare) of Seruthaptti Village, T.Kalappur Village Group, Singampunari Taluk, Sivangangai District.

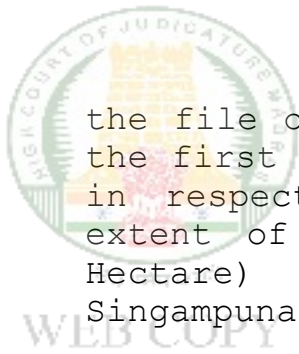
For Petitioner : Mr.V.Kannan

For R1 & R2 : Mr.M.Murugan, G.A.

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, to call for the record relating the rejection order made in Na.Ka.No.1376/Aa1/2019 dated 14.06.2019 on

<https://hsc.judges.org.in/cases/>



the file of the first respondent and quash the same and directing the first respondent to carry out necessary entries in schedule II in respect of the petitioner's land in S.Nos.147/9A, (to the extent of 0.08.50 Hectare), 147/9B (to the extent of 0.06.00 Hectare) of Seruthaptti Village, T.Kalappur Village Group, Singampunari Taluk, Sivangangai District.

2.Heard Mr.V.Kannan, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the respondents 3 to 7, notice to them is dispensed with.

3.In respect of the property in S.Nos.147/9A, (to the extent of 0.08.50 Hectare), 147/9B (to the extent of 0.06.00 Hectare) of Seruthaptti Village, T.Kalappur Village Group, Singampunari Taluk, Sivangangai District, already a suit has been filed before the competent civil Court in O.S.No.145 of 2017 on the file of the Sub Court, Sivagangai, where, a decree has been passed on 07.12.2018 in favour of the petitioner and two others and all that, the petitioner wanted to register the said decree at the concerned registered office in respect of the land in question and in this regard, the petitioner seems to have made an application to the 1st respondent office, who has rejected the plea of the petitioner by passing the impugned order dated 14.06.2019 on the ground that, in the decree, no direction had been given to the registration authorities to make the rectification. Challenging the said order, the present writ petition has been filed.

4.I have heard the learned Government Advocate appearing for the respondents 1 and 2, who would submit that, the power of registering a civil Court decree under Section 23 of the Registration Act is vested with the concerned Sub Registrar itself and therefore, if at all the petitioner has got any grievance with regard to the registration of any civil Court decree, he could have approached the 2nd respondent. Since, he approached the 1st respondent, who has rejected the same, of course, on some other ground, that order can be set aside and the matter can be remitted to the proper authority i.e. the 2nd respondent, based on which, the 2nd respondent will decide the same on merits and in accordance with law and accordingly, will do the needful under Section 23 of the Act.

5.In view of the fair stand taken by the learned Government Advocate appearing for the respondents 1 and 2 and having regard to the facts and circumstances of the case, with the consent of both the parties, at the stage of admission itself, this Court is inclined to dispose of this writ petition on the following terms:



"(i) Since the reasons cited in the impugned order dated 14.06.2019 is admittedly unjustifiable, the impugned order is liable to be quashed and accordingly, the same is quashed.

(ii) The matter is remitted back to the 2nd respondent, who is the competent authority to register the civil Court decree duly under the provisions of the Registration Act, with a direction to the 2nd respondent to decide the issue for registering the civil Court decree.

(iii) In this regard, if at all the 2nd respondent wants to hear the petitioner as well as the private respondents, notice shall be given to them and after hearing them, needful to be done as directed by this Court, within a period of 8 weeks from the date of receipt of a copy of this order".

6. With the above observation and direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

Arul

To

1. The District Registrar (Admin),
Karaikudi,
Sivagangai District

2. The Sub Registrar,
Singampunrai,
Sivagangai District.

+1 CC to M/s.V.KANNAN, Advocate (SR-80022[F] dated 06/08/2019)

+1 CC to M/s.SPL GP (SR-80316[F] dated 07/08/2019)

Order made in

W.P. (MD) No.17322 of 2019

and

W.M.P. (MD) Nos.13836 and 13838 of 2019

Dated:

06.08.2019