



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.08.2019
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P.(MD)No.18370 of 2019
and
W.M.P.(MD) No.14784 of 2019

Thangaraj ... Petitioner
-Vs-
The District Registrar,
District Registrar Office,
Dindigul,
Dindigul District. ... Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter in Na.Ka.No. 1807/Aa1/2019 dated 17.05.2019 issued by the respondent and to quash the same as illegal and consequently direct the respondent to register the Judgment and Decree in O.S.No. 203 of 2013 on the file of the District Munsif Court, Nilakkottai, Dindigul District within the time stipulated by this Court.

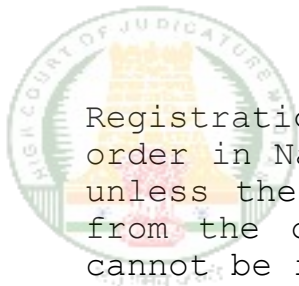
For Petitioner : Mr.K.Sivabalan
For Respondent : Mr.M.Murugan, Govt. Advocate

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter in Na.Ka.No. 1807/Aa1/2019 dated 17.05.2019 issued by the respondent and to quash the same as illegal and consequently direct the respondent to register the Judgment and Decree in O.S.No. 203 of 2013 on the file of the District Munsif Court, Nilakkottai, Dindigul District within the time stipulated by this Court.

2.Heard Mr.K.Sivabalan, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondent.

3.The petitioner, in respect of his property, has approached the civil Court and filed a suit in O.S.No.203 of 2013 before the District Munsif, Nilakkottai, Dindigul District, where, the suit was decreed in his favour by judgment and decree dated 31.03.2016. Thereafter, when the petitioner had sent the same with the request to the respondent for registering the same under Section 23 of the



Registration Act, the same has been rejected through the impugned order in Na.Ka.No.1807/Aa1/2019 dated 17.05.2019, on the ground that unless the copy of the civil Court judgment and decree is received from the concerned Court directly to the Sub Registrar, the same cannot be registered.

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4.I have heard the learned Government Advocate appearing for the respondent, who would fairly submit that, if at all the petitioner want to register a civil Court decree obtained by him in his favour, he must approach the Sub Registrar concerned by giving a representation and produce a copy of the judgment and decree and in that case, certainly, the Sub Registrar concerned would, after having verified the veracity of the judgment and decree produced by the petitioner, register the same in accordance with law. Here, the case on hand, such an attempt seems to have been made by the petitioner. In fact, the concerned Sub Registrar has not been made as one of the party respondent in this writ petition.

5.After having perused the said submission, this Court is of the view that if the petitioner is ready and willing to produce the copy of the civil Court decree to the Sub Registrar concerned, the same can very well be registered after verifying the same by the Sub Registrar concerned and in this regard, the impugned order cannot stand in the way.

6.In that view of the matter, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The impugned order is quashed. The matter is remitted back to the District Registrar viz., the 1st respondent, who in turn, forward the same to the concerned Sub Registrar, before whom, the petitioner shall appear and produce the copy of the civil Court decree as well as the judgment with a request letter to register the same in the documents pertaining to the property is concerned and once such request is made with the copy of the judgment and decree, the same shall be taken into account and the Sub Registrar concerned shall register the same on merits and in accordance with law, within a period of two weeks thereafter."

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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To

The District Registrar,
District Registrar Office,
Dindigul,
Dindigul District.

+1 CC to Mr.K. SIVA BALAN, Advocate (SR-83433[F] dated 26/08/2019)
+1 CC to SPL GP (SR-83556[F] dated 27/08/2019)

Order made in

W.P. (MD) No.18370 of 2019

Dated:**26.08.2019**

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