



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.11.2019**

CORAM:

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

W.P(MD)No.24191 of 2019

S.Muthupandi

... Petitioner

Vs.

The Joint Sub Registrar No.II,
Office of the Joint Sub Registrar,
Tirunelveli-627 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to make necessary entries of the Lok Adalat award dated 13.07.2019 in L.A.C.No.301 of 2019, in the encumbrance certificate in respect of the properties in Ayan Nanja Survey No.96/2 to an extent of 0.48.50 Hectare land and Ayan Nanja Survey No.97/2 to an extent of 0.29.50 of Mavadi Village, Tirunelveli District within a time frame that may be stipulated by this Court.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent : Mr.M.Murugan
Government Advocate

ORDER

Mr.R.Pon Karthikeyan, learned Counsel on record for writ petitioner and Mr.M.Murugan, learned Government Advocate, who accepts notice on behalf of sole respondent are before this Court.

2. With consent of learned Counsel on both sides ie., learned Counsel for writ petitioner and learned State Counsel, main writ petition is taken up, heard out and is being disposed of.

3. Short legal point in the instant writ petition is whether an award of Lok Adalat will qualify as a decree within the meaning of Section 23 of the 'Registration Act 1908' ('said Act' for brevity).

4. Both aforesaid learned Counsel before this Court submitted without any contestation, disputation or disagreement that the aforesaid point is directly and squarely covered by an earlier order made by this Court being order dated 05.09.2019 made in W.P.(MD)No.934 of 2019. Most relevant paragraphs of this earlier order are paragraph Nos.8 to 10, which read as follows:

'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.

WEB COPY

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.'

5. Learned State Counsel submits that there is no intra Court appeal against the aforesaid order as of today. It is also submitted that primary point in instant writ petition is writ petitioner wants an entry made on the basis of an Award of Lok Adalat being L.A.C.No.301 of 2019 made by the Lok Adalat, Tirunelveli qua suit being O.S.No.6 of 2019, on the file of the Additional Subordinate Court, Tirunelveli.

6. Therefore, the sole respondent shall examine the representation of the writ petitioner dated 01.11.2019 in the light of the aforesaid legal principle in accordance with law, on its own merits and make necessary entries or pass suitable orders as expeditiously as possible and in any event within fortnight from the date of receipt of a copy of this order. Though obvious, it is made clear that if there are any other parties interested, it is open to the respondent to issue notice and give reasonable opportunity to them in the course of disposing of / making entries qua 01.11.2019 representation of writ petitioner.

7. Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)



To

The Joint Sub Registrar No.II,
Office of the Joint Sub Registrar,
Tirunelveli-627 001.

+1 CC to Mr.R.PONKARTHIKEYAN, Advocate (SR-98564[F] dated
15/11/2019)

+1 CC to Spl GP (SR-99016[F] dated 18/11/2019)

W.P(MD)No.24191 of 2019
15.11.2019

VB(04.12.2019) 3P 4C