



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.12516 of 2020

J.Kanniga Parameswari

... Petitioner

-Vs-

1. The Sub-Registrar,
Sub-Registrar Office-II,
Sivaganga.

2. Meenakshi

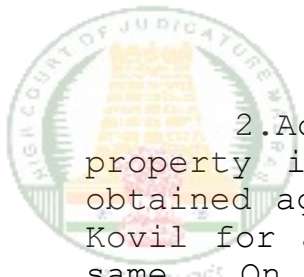
... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to register the Civil Court judgment and decree passed in O.S.No.69 of 2007 dated 26.02.2008 and judgment and decree passed in A.S.No.37 of 2008, dated 28.08.2009 in respect of the petitioner's properties in S.No.261, in an extent of 15 Acre 29 cents, 260/2, in an extent of 5 Acre 15 cents, and 264/1, in an extent of 5 Acre 15 cents, Nariyanenthal Village, Poovali Group, Mallal Firka, Kalayar Kovil Taluk, Sivagangai District under Section 23 of Tamil Nadu Registration Act, in accordance with law.

For Petitioner	: Mr.J.John
For R1	: Mr.K.Sathiya Singh, Additional Government Pleader.
For R2	: No Appearance

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first respondent to register the judgment and decree of the Civil Court in respect of the petitioner's properties in S.No.261, to an extent of 15 Acre 29 cents, S.No.260/2, to an extent of 5 Acre 15 cents and S.No.264/1, to an extent of 5 Acre 15 cents situated at Nariyanenthal Village, Poovali Group, Mallal Firka, Kalayar Kovil Taluk, Sivagangai District under Section 23 of Tamil Nadu Registration Act, in accordance with law.



2. According to the petitioner, she is the owner of the property in question and after that in the year 1998, she had obtained agricultural loan from the Land Development Bank, Kalaiyar Kovil for a sum of Rs.6,02,000/-. However, she has not repaid the same. On 20.12.2005, the husband of the second respondent namely, R.M.Valliappan and one M.A.T.Arasu, who is the land broker offered the petitioner to purchase the property subject to the redemption of the properties for a sum of Rs.10,57,080/-. Therefore, on 10.08.2006, the petitioner has executed a sale deed in favour of the second respondent. However, the second respondent has not redeemed the properties nor paid the entire sale consideration. Therefore, the petitioner has not redeemed the mortgaged properties from the Land Development Bank. The bank had issued a demand notice for a sum of Rs.6,66,504/-. In the meantime, the Government of Tamil Nadu, by G.O.No.70, dated 13.05.2006, had waived all agricultural loan. The said benefit was extended to the petitioner also. While so, the second respondent has filed O.S.No.69 of 2007 on the file of the District Munsif Court, Sivagangai, seeking declaration that she is the owner of the property in question and the same was dismissed. Against which, she has preferred an appeal in A.S.No.37 of 2008 on the file of the Sub Court, Sivagangai and the same was allowed. Thereafter, the petitioner has made a representation dated 12.08.2020 to the first respondent to register the judgment and decree of the Civil Court and issue necessary encumbrance entry certificate. Since no efforts have been taken by the first respondent, the petitioner has approached this Court seeking aforesaid prayer.

3. As there is no representation for the second respondent, this order has been passed in her absence.

4. This Court is of the considered view that it is the duty of the first respondent to register the decree and judgment of the Civil Court with regard to the petitioner's property in accordance with law. Therefore, the first respondent is directed to ascertain whether any appeal is pending against the order in A.S.No.37 of 2008, reversing the judgment and decree in O.S.No.69 of 2007 and thereafter, register the document, within a period of 60 days from the date of receipt of a copy of this order. The first respondent shall take an affidavit duly notarized that no appeal is pending against the order in A.S.No.37 of 2008, wherein thumb impression and photograph of the petitioner shall also be placed, which will also form part of the documents, so that if there is any incorrect statement or false statement, the Court can take appropriate action against the petitioner.



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5. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub-Registrar,
Sub-Registrar Office-II,
Sivaganga.

+1 CC to the SPL GP (SR-22503[F] dated 23/11/2020)

Order made in
W.P. (MD) No.12516 of 2020
20.11.2020

KMV(CO)
CS(01.12.2020) 3P 3C