



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16430 of 2020

N.Muniyasamy

... Petitioner

-vs-

1. The District Registrar,
Registration Department,
Ramanathapuram Registration District,
Ramanathapuram.

2. The Sub Registrar,
Registration Department,
Paramakudi,
Ramanathapuram.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the second respondent in his proceedings vide Check Memo dated 08.07.2020 and quash the same and consequently, direct the second respondent to register the said document namely the compromise agreement dated 07.07.2020 within a time frame.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.M.Murugan
1 and 2 Government Advocate
For intervenor : Mr.D.Senthil

ORDER

This petition has been filed, seeking issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the second respondent in his proceedings vide Check Memo dated 08.07.2020 and quash the same and consequently, direct the second respondent to register the said document namely the compromise agreement dated 07.07.2020 within a time frame.

2.Heard the learned Counsel appearing for the petitioner, Mr.M.Murugan, learned Government Advocate appearing for the respondents and Mr.D.Senthil, learned Counsel appearing for the intervenor by name Ms.Bhuvaneshwari.

3.The learned Counsel appearing for the petitioner would submit that the properties measuring to an extent of 39 ½ Cents, 84 Cents



and 15 Cents in Survey Nos.100/18, 102/12 and 105/5 respectively situated at Manjalpattinam Village, Emaneswaram Group, Paramakudi Taluk, Ramanathapuram District are the ancestral properties of the petitioner and the patta was mutated in the name of his father Late.Narayanapillai. It is further submitted that after the demise of the petitioner's father, the co-owners of the petitioner have been in possession and enjoyment of the said property. While so, a civil suit was instituted by one of his co-owners in O.S.No.195 of 2002 on the file of the District Munsif Court, Paramakudi and the same was decreed in favour of the petitioner. As against the same, an appeal was filed in A.S.No.83 of 2004 on the file of the Sub Court, Paramakudi and the same was allowed partly and as against the same, second appeal was filed before this Court along with condone delay petition. The said condone delay petition was dismissed with liberty to file a review application as against the order dated 29.06.2015. Thereafter, on 07.07.2020, the petitioner and the co-owners have entered into a compromise. When the petitioner has presented the said compromise agreement for registration before the second respondent, the second respondent had refused to register the same by the impugned order. Hence, the petitioner has come forward with the present Writ Petition.

4.When the matter is taken up for hearing, Mr.D.Senthil, learned Counsel appearing for one Ms.Bhuvaneswari, who is stated to be a co-owner of the petitioner, submitted that the petitioner is trying to usurp the property of Ms.Bhuvaneswari and that she is not made as party to this proceedings.

5.Mr.M.Murugan, learned Government Advocate appearing for the respondents submitted that the writ petition is not maintainable as the petitioner has got an appeal remedy before the first respondent.

6.Considering the fact that the petitioner has failed to implead the necessary party and he has also got an appeal remedy before the first respondent, this Court is not inclined to grant the relief sought for as such. However, this Court directs the first respondent to dispose of the appeal, if any preferred by the petitioner, within a period of 120 days from the date of filing the appeal, after hearing the interested parties including Ms.Bhuvaneswari.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

1. The District Registrar,
Registration Department,
Ramanathapuram Registration District,
Ramanathapuram.
2. The Sub Registrar,
Registration Department,
Paramakudi,
Ramanathapuram.

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PM (CO)

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