



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.4074 of 2013

and

M.P.(MD).No.2 of 2013

1.PyariJan Ghor
2.Jamesha Hussaina
3.Akthar Fathima
(Petitioners 1 to 3 through their
power of Attorney Agent Mr.Ismail Ghor
4th Petitioner herein)
4.Ismail Ghor

... Petitioners

Vs.

1.The Inspector General(Registration),
Government of Tamil Nadu,
No.120, Santhome High Road,
Chennai.

2.The District Registrar,
Virudhunagar Town & District.

3.The Sub-Registrar,
Rajapalayam Town,
Virudhunagar District.

4.Murugesan

5.Subbaraja

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to delete the entries of under-mentioned documents from the file of District Registrar (namely 2nd respondent) and Sub Registrar (namely 3rd respondent), as the documents are non-est in law with regard to the properties bearing S.No.272/1B, with an extent of 1 Acre 92 Cents and bearing S.No.272/1A, with an extent of 97 Cents situate in Sammanathapuram Village, Rajapalayam Sub-Registrar's range and Virudhunagar District and for consequential reliefs.



Details of Documents:

01.	19.10.1984	Registered Deed of Settlement Document No.2617 of 1984 on the file of 3 rd Respondent.
02.	20.03.1991	Registered Sale Deed executed by M.Sharbudeen, S/o.Musthafa Rawther, in favour of A.Murugesan, S/o.Ayyanaar Pillai. Document No.588 of 1991.
03.	22.09.1997	Registered Sale Deed executed by A.Murugesan, S/o.Ayyanaar Pillai in favour of Subbaraja, S/o.Deivanthraraja. Document No.2650 of 1997.

For Petitioner : Mr.S.Ramesh

For Respondents 1 to 3 : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus, directing the respondents 1 to 3 to delete the entries made in the records with respect to the subject properties for the transactions that had taken place in the year 1984, 1991 and 1997.

2. Heard Mr.S.Ramesh, learned counsel appearing on behalf of the petitioner and Mr.K.P.Narayanakumar, learned Special Government Pleader appearing on behalf of the respondents 1 to 3.

3. The main issue that has been taken up in the present case is that by virtue of a common judgment dated 24.04.2003 passed in O.S.No.248 of 1997 and O.S.No.166 of 1999, on the file of the Sub Court, Srivilliputhur, the right over the properties has been substantially determined by the Civil Court and hence the earlier entries that were made while registering the documents in the year 1984, 1991 and 1997 could be deleted.

4. In the considered view of this Court, the respondents are not vested with any power to delete the entries which have already been made in the records. Therefore, it will be more appropriate, if the decree passed in O.S.No.248 of 1997 and O.S.No.166 of 1999 is registered before the third respondent. Once the decree is registered, the earlier entries that were made at the time of registering the documents will get automatically reversed. Therefore, liberty is granted to the petitioners to take steps to register the decree passed in O.S.No.248 of 1997 and O.S.No.166 of 1999. It is made clear that the third respondent will not refuse to register the decree on the ground of limitation since this Court has repeatedly held that the period of limitation provided under the Act is only directory and not mandatory. Useful reference can be made to



the judgment of this Court in the case of **Sarvothaman vs. Sub-Registrar, Oulgaret, Pondicherry**, reported in **2019 (2) CWC 314**.

5. In view of the above, liberty is granted to the petitioners to get the decree registered before the third respondent.

6. This writ petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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

1.The Inspector General(Registration),
Government of Tamil Nadu,
No.120, Santhome High Road,
Chennai.

2.The District Registrar,
Virudhunagar Town & District.

3.The Sub-Registrar,
Rajapalayam Town,
Virudhunagar District.

+1 CC to M/s.V.RAGHAVACHARI, Advocate SR-18150[F] dated 30/04/2021

W.P. (MD) .No.4074 of 2013
29.04.2021

ES (CO)

TR(08.06.2021) 3P 5C