



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8432 of 2021

Sailanathan

... Petitioner

Vs.

1. The Deputy Inspector General of Registration,
Registration Office, Tirunelveli Range,
Tirunelveli District.

2. The District Registrar, Palayamkottai, Tirunelveli District.

3. The Sub Registrar,
Office of the Sub Registrar,
Kommadikottai, Sathankulam Taluk,
Thoothukudi District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to register the decree passed in O.S.No.401 / 2013, dated 30.06.2014, on the file of the learned Sub Judge, Thoothukudi, under the provisions of Registration Act.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.K.Sathiyasingh

Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to register the decree passed in O.S.No.401 of 2013, dated 30.06.2014, by the Sub Court, Thoothukudi.

2. The case of the petitioner is that the subject property was originally owned by the mother of the petitioner, by virtue of a registered partition deed, dated 11.11.1951, leaving behind the petitioner as the sole legal heir.

3. It is stated that a patta was granted in favour of one Durairaj and Saroja with respect to the subject property. Therefore, the petitioner filed a suit in O.S.No.401 of 2013, on the file of the Sub Court, Thoothukudi, seeking for the relief of declaration and permanent injunction. It is seen from the Judgment passed in this suit that the matter was contested by the parties and ultimately the suit was decreed as prayed for through Judgment and



Decree, dated 30.06.2014. It is further stated that this decree has become final and no appeal has been preferred by the defendants.

4. The petitioner presented the decree for registration before the third respondent on 15.05.2015. The grievance of the petitioner is that the third respondent is refusing to receive this document on the ground that there is no specific direction given by the trial Court permitting the petitioner to register the decree. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.R.Maheswaran, learned counsel appearing on behalf of the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader appearing on behalf of the respondents.

6. In the considered view of this Court, the trial Court has passed the decree in favour of the petitioner by declaring his title to the suit property and has also granted consequential reliefs. Therefore, it is not necessary that the trial Court should have specifically permitted the petitioner to register the decree. The Registration Act by itself provides for registration of a Court decree. In view of the above, there shall be a direction to the petitioner to present the decree for registration before the third respondent along with a sworn affidavit to the effect that the decree passed in O.S.No.401 of 2013, dated 30.06.2014, has become final. The third respondent on receipt of the same shall register the decree, if it is otherwise in order and necessary stamp duty and registration charges are paid by the petitioner.

7. The petitioner is directed to represent the document along with the sworn affidavit and also a copy of this order.

8. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AS)

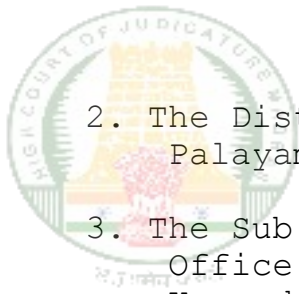
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/ /2021

Sub Assistant Registrar(CS)

tsg
To

1. The Deputy Inspector General of Registration,
Registration Office, Tirunelveli Range,
Tirunelveli District.



2. The District Registrar,
Palayamkottai, Tirunelveli District.
3. The Sub Registrar,
Office of the Sub Registrar,
Kommadikottai, Sathankulam Taluk,
Thoothukudi District.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-17478[F] dated 26/04/2021)

+1 CC to M/s.SPL GP (SR-17723[F] dated 27/04/2021)

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.

Order made in
W.P. (MD) .No.8432 of 2021
Dated:

26.04.2021

RK(12.05.2021) 3P 6C