



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.14577 of 2021

WEB COPY

Vairamuthu

... Petitioner

Vs.

1.Palani Joint-I Sub-Registrar,
District Registrar Office,
Palani,
Dindigul District.

2.Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukoil,
Palani-624 601.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the 1st respondent to register the final decree dated 14.12.2020 passed in I.A.No.142 of 2020 in O.S.No.556 of 2019 by the Sub-Court, Palani without insisting No Objection from the 2nd respondent within the time stipulated by this Court.

For Petitioner	: Mr.A.Swaminathan
For R1	: Mr.R.Baskaran
	Counsel for State
For R2	: Mr.V.R.Shanmuganathan

ORDER

The petitioner seeks a direction to the first respondent to register the final decree dated 14.12.2020 in I.A.No.142 of 2020 in O.S.No.556 of 2019 of the Sub-Court, Palani, without insisting on a no objection from the second respondent.

2.The petitioner claims title over the property in Survey No.799 or a portion thereof. It is stated that a civil suit for partition had been filed in respect of such property. Such suit was disposed of in terms of a memorandum of compromise. Subsequent thereto, the petitioner had submitted such decree for registration before the first respondent. The present Writ Petition is filed in view of the failure of the first respondent to register the decree.

3.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first respondent and Mr.V.R.Shanmuganathan, learned counsel, accepts notice on behalf of the second respondent. Mr.V.R.Shanmuganathan points out that the second respondent has strong objections to the registration of the decree, including on



the ground that neither the State nor the second respondent were joined as parties to the said civil suit.

4. Although the petitioner has prayed for the larger relief, learned counsel for the petitioner submits that it would be sufficient if a time limit is fixed for the disposal of the petitioner's request for registration.

5. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's application for registration of the decree dated 14.12.2020 and dispose of such application by a reasoned order after providing a reasonable opportunity to the petitioner and to the second respondent herein. Such reasoned order shall be passed within a period of two (2) months from the date of receipt of a copy of this order.

6. W.P.(MD).No.14577 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Joint-I Sub-Registrar,
District Registrar Office,
Palani,
Dindigul District.

2. The Sub-Court,
Palani.

+1 CC to M/s. The Special Government Pleader (SR-26782[F] dated 19/08/2021)

**W.P. (MD) .No.14577 of 2021
18.08.2021**

RS (31.08.2021) 2P 4C

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