



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3604 of 2022

Nirmala @ Hebsibai

.. Petitioner

Vs

The Sub Registrar,
Sub Registrar Office,
Nagercoil,
Kanniyakumari District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to register the decree in O.S.No.42 of 2001, passed by Principal Sub Court, Nagercoil, dated 09.04.2001, in respect of petitioner's property situated in Re.Sy.No.P8/68 & P8/70 of Nagercoil Village, Agasteeswaram Taluk to the extent of 10 $\frac{3}{4}$ cents.

For Petitioner : Mr.A.Balakrishnan

For Respondent : Mr.S.Shanmugavel

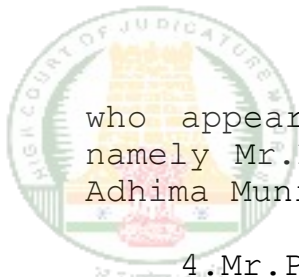
Additional Government Pleader
Mr.P.Raja
for proposed impleading petitioner
(petition not filed)

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to register the Decree in O.S.No.42 of 2001, passed by the Principal Sub Judge, Nagercoil, dated 09.04.2001, in respect of the property situated in Re.Sy.No.P8/68 & P8/70 of Nagercoil Village, Agasteeswaram Taluk to the extent of 10 $\frac{3}{4}$ cents and pass orders, within a time frame to be fixed by this Court based on the petitioner's representation, dated 23.11.2021.

2.It is the case of the petitioner that under the aforementioned Decree, the petitioner became the absolute owner of the aforementioned property. He seeks for registering the Decree passed by the learned Principal Sub Judge, Nagercoil in O.S.No.42 of 2001 dated 09.04.2001. He has given a representation on 23.11.2021 to the respondent for the said purpose. Since the same has not been considered, he has filed this writ petition.

3.Heard Mr.A.Balakrishnan, learned counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondent and Mr.P.Raja, learned counsel,



who appeared through video conferencing on behalf of his client namely Mr.Ramachandra Rao, who is a lessee under the Trust by name Adhima Munivar Velayutha Panickar Madam Trust.

4.Mr.P.Raja, learned Counsel proposes to file an impleading application as his client is a necessary party, due to the fact that a litigation is pending over the very same property and his client is a party to the said litigation. He submits that his client has already filed protest petition on 18.10.2021 before the concerned Sub Registrar's Office. The said statement is recorded.

5.No prejudice will be caused to the respondent, if the petitioner's representation dated 23.11.2021, seeking for registration of the aforementioned Decree is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the said Mr.Ramachandra Rao and any other interested party whom the respondent deem fit to enquire and thereafter pass final orders, within a time frame to be fixed by this Court.

6.Accordingly, this Court directs that respondent to consider the petitioner's representation dated 23.11.2021, requesting the respondent to register the Decree in O.S.No.42 of 2001 passed by the Principal Sub Judge, Nagercoil dated 09.04.2001 in respect of the petitioner's property situated in Re.Sy.No.P8/68 & P8/70 of Nagercoil Village, Agasteeswaram Taluk to the extent of 10 $\frac{3}{4}$ cents and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the said Mr.Ramachandra Rao, who claims to be the lessee under the Adhimamunivar Velayutha Panickar Madam Trust and any other necessary party, the respondent deems fit to enquire and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

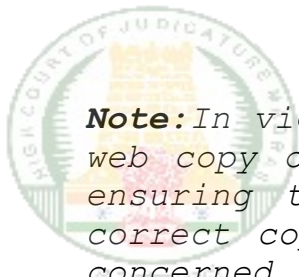
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

TM



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.

WEB COPY

To

1.The Principal sub Judge, Nagercoil.

2.The Sub Registrar,
Sub Registrar Office,
Nagercoil,
Kanniyakumari District.

+1 CC to M/s.SPL GP (SR-9200[F] dated 01/03/2022)

W.P. (MD)No.3604 of 2022

25.02.2022

_RD(09.03.2022) 3P 4C