



W.P(MD)No.21840 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21840 of 2015

1.Mookammal

2.S.V.Ganesan

3.V.Natarajan

4.V.Murugan

... Petitioners

Vs.

The Joint Sub Registrar No.I,
Tirunelveli,
Integrated Registration,
Department Compound,
St.Marks Street,
Palayamkottai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in the proceedings in ந.க.எண்.5703/அபி/2015 dated 28.10.2015 of the respondent herein and quash the same and further direct the respondent to register the protest petition filed by petitioners and the copy of order of this Court in WP(MD)No.7335 of 2013 dated 19.08.2015.



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For Petitioners : Mr.V.Meenakshi Sundaram

For Respondent : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which he has refused to register an order passed by this Court in WP(MD)No.7335 of 2013.

2. According to the learned counsel for the petitioner, he has lodged a protest petition to the first respondent herein not to register certain documents with regard to a particular survey number. While conducting enquiry, the first respondent herein has gone into the title and decided that the petitioner is not having title to nine acres of land. The said order was challenged in WP(MD)No.7335 of 2013. This Court by an order, dated 19.08.2015, has allowed the writ petition on the ground that the first respondent has no jurisdiction, whatsoever to decide about the title of the parties in a protest petition. Thereafter, the petitioner has approached the first respondent to register the order passed in W.P(MD)No.7335 of 2013. The said request has been rejected and the present writ petition has been filed challenging the said order.



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3. I have perused the order impugned in the writ petition.

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4. If an order or decree has been passed by the Court, only if it is affects the title or creates any encumbrance over the property, the same could be registered before the first respondent herein. This Court by an order, dated 19.08.2015, has only considered jurisdiction of the first respondent herein with regard to his powers to adjudicate upon the title of the parties. Only the said legal issue has been decided by this Court. Hence, the order passed in the writ petition cannot be registered either in Book-I or Book-IV. Hence, I do not find any illegality or infirmity in the order passed by the first respondent herein. However, in case, if any registration is attempted by any third parties, the petitioner is always entitled to invoke Section 55-A of the amended registration Act to impress upon the authorities to not to register the documents.

5. With the above said observations, this Writ Petition is disposed of. No costs.

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Index : Yes / No
Internet : Yes / No
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To
The Joint Sub Registrar No.I,
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R.VIJAYAKUMAR ,J.

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Order made in
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