



W.P.(MD)No.17836 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.(MD)No.17836 of 2020**

**and**

**W.M.P.(MD).Nos.14873 of 2020 and 175 of 2021**

P.Mahadevan

... Petitioner

Vs.

1.The District Registrar (Admin),  
Madurai District, Mahal, Madurai

2.The Sub Registrar,  
Tirupparankundram,  
S.R.O., Madurai.

3.Chidambaram

4.Balasubramanian

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 2nd respondent from registering any deed of conveyance presented by the respondents 3 and 4, their men and agents relating with the lands in S.Nos.16/5A, 16/5B 20/3A, 4/4A, 4/4B, 4/6, 13/4B, 13/5B, 15/1 and 13/6 in Nilayur II Bit, Karuvelampatti, Madurai District, on the basis of exparte decree in O.S.No.209/2015 on the file of the DMC, Tirumangalam.



W.P.(MD)No.17836 of 2020

For Petitioner : Mr.S.Saravanakumar

For R-1 & R-2 : Mr.R.Ragavendran,  
Government Advocate

For R-3 : Mr.T.Ponramkumar

### **ORDER**

This Writ Petition has been filed for the issue of writ of mandamus forbearing the second respondent from registering any documents presented for registration by the third and fourth respondents with respect to the subject property by taking advantage of the *exparte* decree passed in O.S.No.209 of 2015 by the learned District Munsif, Thirumangalam.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for respondent Nos.1 and 2 and the learned counsel appearing for the third respondent.

3. The petitioner has sought for the present relief on the misconception that an *exparte* decree cannot be considered as a valid decree and it cannot be taken advantage of by the third and fourth



W.P.(MD)No.17836 of 2020

WEB COPY

respondents. This understanding by the petitioner is completely misconceived. The exparte decree passed by a competent Civil Court is a valid decree in the eye of law, till the same is set aside by the Court. Useful reference can be made to Judgment of the Apex Court in the case of ***Rajinder Kumar and Ors Vs. Shri Kuldeep Singh and Others*** reported in ***(2014) 2 MLJ 496 (SC)***. In view of the same, till this exparte decree is set aside in the manner known to law, for all purposes, the parties are bound by the same.

4. In view of the above, the relief sought for by the petitioner is un-sustainable and it cannot be granted by this Court. The learned counsel for the petitioner submitted that the petitioner has filed a protest petition before the Sub Registrar and requested this Court to direct the Sub Registrar to consider the protest petition at the time of registration of the documents. This plea made by the learned counsel for the petitioner is also un-sustainable, since the Sub Registrar cannot sit upon the Decree passed by the Civil Court and the Sub Registrar is also bound by the same and therefore, the protest petition filed by the petitioner in the light of the Decree passed by the competent Civil Court, does not have any legs to stand.



W.P.(MD)No.17836 of 2020

WEB COPY

5. This Court does not find any merits in this Writ Petition and accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

**06.10.2023**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
tsg

**To**

- 1.The District Registrar (Admin),  
Madurai District, Mahal, Madurai
- 2.The Sub Registrar,  
Tirupparankundram,  
S.R.O., Madurai.



WEB COPY



W.P.(MD)No.17836 of 2020

**N.ANAND VENKATESH, J.**

tsg

**W.P.(MD)No.17836 of 2020**

**06.10.2023**