



W.P(MD)No.9571 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9571 of 2024

and

W.M.P.(MD)No.8675 of 2024

P.Kamatchi

... Petitioner

Vs.

1.The District Registrar,
Namakkal.

2.The Joint Sub Registrar No.1,
Namakkal.

3.The Sub Registrar,
Kattuputhur,
Tiruchirappalli District.

4.Chellammal

5.Kali Gounder,
Represented by Next Friend / Wife,
Sarasu

6.Sarasu

... Respondents

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 relating to the impugned order of the 2nd respondent in Na.Ka.No.10331/R/2023 dated 10.01.2024 and quash the same consequently



W.P(MD)No.9571 of 2024

direct the respondents 1 to 3 to include the Document No.2447 of 2003 dated 05.12.2003 registered on the file of the 2nd respondent as fraudulent and illegal document in the encumbrance certificate in-furtherance of Civil Court Judgement and Decree in O.S.382 of 2004 dated 20.03.2014 passed by the District Munsif Court, Musiri by taking action on the 4th respondent as per Section 82 of Registration Act.

For Petitioner : Mr.R.S.Sivaram

For Respondents : Mr.R.Ragavendran,
Government Advocate for R1 to R3.
Mr.Chamundi Bose for R5 & R6.
No appearance for R4.

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the official respondents and the learned counsel for the respondents 5 and 6.

2.The writ petitioner and the fifth respondent herein are siblings. The sixth respondent is the wife of the fifth respondent. The fifth respondent herein filed O.S.Nos.6 and 477 of 2004 on the file of the District Munsif Court, Musiri. One Chellammal filed O.S.No.382 of 2024 and the respondents 4 and 5 as well as the father of the petitioner were shown as defendants therein. All the three suites were disposed of on 23.03.2014. While the suits filed by the



W.P(MD)No.9571 of 2024

respondents 5 and 6 were allowed, the suit filed by the fourth respondent was dismissed. The petitioner wanted to register the same with the third respondent.

The third respondent vide communication dated 10.01.2024 informed the petitioner that only if the jurisdictional Civil Court had sent the same under Section 89(2) of the Registration Act, the document can be registered. Challenging the stand of the third respondent, this writ petition has been filed.

3.The fourth respondent had been served and her name is printed in the cause list, she has not chosen to enter appearance.

4.After hearing the learned counsel on either side, I am satisfied that the communication sent third respondent has to be set aside. Section 89(2) of the Registration Act pertains to sale certificate and it has nothing to do with the registration of the judgments and decrees.

5.In this view of the matter, the impugned communication is set aside. The petitioner is permitted to re-present the document before the third respondent. The petition mentioned judgments and decrees shall be registered by the third respondent subject to fulfilment of usual formalities.



W.P(MD)No.9571 of 2024

6.The writ petition is allowed accordingly. No costs. Consequently,
connected miscellaneous petition is closed.

26.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The District Registrar,
Namakkal.
- 2.The Joint Sub Registrar No.1,
Namakkal.
- 3.The Sub Registrar,
Kattuputhur,
Tiruchirappalli District.



WEB COPY



W.P(MD)No.9571 of 2024



WEB COPY



W.P(MD)No.9571 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.9571 of 2024

26.07.2024
(1/2)