



W.P(MD)No.8377 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.8377 of 2019

- 1.V.N.S.Mohemed Mohideen
- 2.Vilak MK.S.Mohideen Ibrahim Sahib
- 3.V.S.A.K.Kadar
- 4.Vilak S.E.Sathak Thambi
- 5.R.Kadalaiaandi

... Petitioners

Vs.

- 1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai 600 028.

- 2.The Joint Sub-Registrar,
The District Registrar Office,
Tuticorin.

... 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 of the 1st respondent, relating to the rejection of the On-line Application filed by the petitioners, vide RF / 1 No. Joint Sub Registrar Tuticorin / 3 / 2018 dated 11/12/2018 and quash the same and direct the 2nd respondent herein to register the copy of the decree passed in O.S.No.376 of 2013, dated 02/08/2018, in favour of the petitioners herein, on the file of the Court of subordinate Judge, Tuticorin relating to the properties described therein in accordance with the provisions of Registration Act.



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For Petitioners : Mr.S.Kadarkarai
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the rejection of the On-line Application filed by the petitioners vide RF / 1 No. Joint Sub Registrar Tuticorin / 3 / 2018 dated 11/12/2018 and to register to register the copy of the decree passed in O.S.No.376 of 2013, dated 02/08/2018.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.It is the case of the petitioners that they are the absolute owners of the subject property. In view of certain disputes over the title of the property, they approached the civil Court and obtained a decree in their favour. When the petitioners presented the decree and judgment dated 02.08.2018 for registration through online, the same had been rejected on the ground that different schedule has been annexed along with the decree and judgment.



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4.This Court during the earlier hearing directed the learned counsel for the petitioner to produce the copy of the plaint before this Court in order to ascertain the schedule of properties and the same has also been produced.

5.On a perusal of the plaint and the decree made by the trial Court, this Court is of the view that the impugned order is nothing but a clear non-application of mind. The impugned order has been passed without proper verification of the records. Further, when the issue with regard to the property in question is decided by virtue of the decree and judgment of the competent civil Court, the registration authorities has no right to go into the title of the property and other documents and it is the duty of the registration authorities to register the decree granted by the competent civil Court.

6.At this juncture, the learned Special Government Pleader for the respondents submitted that the subject properties has been referred as '0 value property' in the Government records. The said fact will have no consequence in registering the decree and the same will not come in the way of registering the decree.



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7.In view of the above, the order passed by the first respondent in

RFL/1 No.Joint Sub-Registrar Tuticorin/3/2018 dated 11.12.2018 is set aside and this writ petition is allowed. The second respondent is directed to register the copy of the decree made in O.S.No.376 of 2013 dated 02.08.2018 within a period of one month from the date of receipt of a copy of this order. No costs.

21.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai 600 028.

2.The Joint Sub-Registrar,
The District Registrar Office,
Tuticorin.



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N.SATHISH KUMAR, J

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