



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 03.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)No.1239 of 2019
and
CM.P(MD)No.10650 of 2019**

D.Nagarajan

... Appellant/4th respondent

Vs.

1.The Inspector General of Registration,
O/o. the Inspector General of Registration,
Santhome, Chennai-600 028.

2.The District Registrar (Administration),
District Registrar Office Complex,
Dindigul.

3. The Sub Registrar, Joint II,
District Registrar Office Complex,
Dindigul.

.. Respondents 1 to3/Respondents 1 to 3

4.A.James

.. 4th Respondent /Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order passed by this Court in W.P(MD)No.10586 of 2019



WEB COPY dated 27.04.2019.

For Appellant : Mr.A.R.Sethupathy

For Respondents : Mr.P.Subbaraj
Special Government Pleader for R1 to R3

: No appearance for R4

JUDGMENT

(Judgment of the Court was made by **P.VELMURUGAN., J**)

This Writ Appeal is directed against the order passed by this Court in W.P(MD)No.10586 of 2019 dated 27.04.2019.

2. The 4th respondent filed a writ Petition in W.P(MD)No.10586 of 2019 before the Writ Court to register the judgment and decree dated 19.10.2005 obtained in A.S.No.64 of 2002 on the file of the Additioal Sub Court, Dindigul. The Writ Court after considering the matter, allowed the Writ Petition vide order dated 27.04.2019. Challenging the same, the appellant has filed the present Writ Appeal before this Court.



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3. Heard both side and perused the materials placed before this Court.

4. The learned counsel for the appellant would submit that the 4th respondent obtained a judgment and decree in his favour before the Writ Court whereas the scope of the writ petition is only to make entry of the judgment and decree obtained by him in the register maintained by the Registrar office. Whereas the learned Single Judge had gone beyond the scope of the writ petition and made certain observations which is factually incorrect. Therefore, the appellant has filed the present writ appeal.

5. The appellant sought for a very limited prayer. The vendor of the 4th respondent herein/writ petitioner filed a suit and the Civil Court passed a judgement and decree. Challenging the same, they filed an appeal and the appellate Court also dealt with the appeal and passed the judgment and decree. Thereafter, the writ petitioner filed the writ petition only to record the decree and judgment passed by the Civil Court.



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6. In such circumstances, the observations or the discussions made in the writ petition by the learned Single Judge is not necessary. However, the learned Single Judge, without making any observations, ought to have directed the third respondent to register the decree alone. Accordingly, this Writ Appeal is allowed to that extent. No Costs. Consequently, connected miscellaneous petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
03.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PJL



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P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

PJL

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