



W.P.(MD) No.16217 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.16217 2023

S.Malarvizhi

...Petitioner

-VS-

1.The District Registrar,
O/o.District Registrar,
Theni District.

2.The Sub Registrar,
O/o.Sub Registrar Office,
Chinnamanur,
Theni District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records relates to the impugned order made in Na.Ka.No.97/2023, dated 05.06.2023, by the 2nd Respondent and quash the same as it is illegal and in consequence to direct him to register the decree and judgment dated 20.10.2003 made in O.S.No.206/2000 on the file of District Munsif Uthamapalayam, confirmed by the judgment and decree dated 27.04.2023, and made in A.S.No.103/2004 on the file of Sub Judge Uthamapalayam.

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For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the order dated 05.06.2023 refusing to register the decree and judgment obtained by the petitioner.

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

3.The grievance of the petitioner is that the subject property belongs to her father. Since an Ashramam had claimed right over the subject property, the father of the petitioner had filed a suit in O.S.No. 206 of 2000 on the file of the District Munsif, Uthamapalayam and obtained a decree in his favour cancelling some of the documents registered with regard to the subject property. Challenging the same, the Ashsramam had filed an appeal and the same came to be dismissed. In the meantime, the father of the petitioner died. When the petitioner presented the decree and judgment for registration, the second

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respondent had refused to register the same stating that unless a specific direction is issued by the Civil Court to the Sub Registrar to register the said decree and judgment, the same cannot be registered.

4. Admittedly, the father of the petitioner had filed a suit for declaration in respect of the subject property in O.S.No.206 of 2000 against the Shree Ramakrishan Sevashramam. The same was decreed in his favour. Further, the appeal filed against the said judgment and decree was also dismissed. It appears that no second appeal is filed against the same.

5. 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 Registering Authorities has no right to go into the title of the property and other documents and it is the duty of the Registering Authorities to register the decree granted by the competent civil Court. After such registration, the petitioner will have every right to deal with the property by executing any deed by way of transfer etc..



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6.In view of the above, the order passed by the second respondent in Na.Ka.No.97/2023, dated 05.06.2023 is set aside and this writ petition is allowed. The second respondent is directed to register the copy of the decree and judgment made in O.S.No.206 of 2000 dated 20.10.2003 and A.S.No.103 of 2004 dated 27.04.2023 within a period of one month from the date of receipt of a copy of this order. No costs.

02.09.2024

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

- 1.The District Registrar,
O/o.District Registrar,
Theni District.
- 2.The Sub Registrar,
O/o.Sub Registrar Office,
Chinnamanur,
Theni District.



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N.SATHISH KUMAR, J.

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