



W.P.(MD) No.22021 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.22021 2024

and

W.M.P.(MD)No.18659 of 2024

M.Jainul Arab

...Petitioner

-vs-

1.The District Registrar (Administration),
O/o.The District Registrar Office,
Madurai North,
Madurai, Madurai District.

2.The District Registrar,
O/o.The District Registrar,
Sivagangai, Sivagangai District.

3.The Joint Sub Registrar II,
Madurai North,
Madurai, Madurai District.

4.The Sub Registrar,
O/o.The Sub Registrar Office,
Tirupuvanam,
Sivagangai 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 relating to the impugned order issued by the 1st



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Respondent in his proceedings in Na.Ka.No.639/Aa1/2024 dated 31.01.2024 and quash the same as illegal and consequently to direct the Respondents to make necessary entries, pursuant to the final decree dated 21.04.2023 in O.S.No.776 of 2013 in terms of Section 29(2) of the Registration Act, 1908 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Karthikraja
for M/s.Ajmal Associates
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner has filed this writ petition challenging the order of the first respondent dated 31.01.2024 and to direct the respondents to make necessary entries pursuant to the final decree dated 21.04.20223 in O.S.No.776 of 2013.

2.Mr.P.Subbaraj, learned Special Government Pleader, takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



3.The case of the petitioner is that the subject property was purchased by the father of the petitioner and gifted to the petitioner. The revenue records were also mutated in the name of the petitioner even during the life time of the petitioner's father. After the death of the petitioner's father, the brothers and sisters of the petitioner filed a partition suit in O.S.No.776 of 2013 including the subject property also. Initially, an *ex-parte* decree was passed in the said suit and the same was entered in the encumbrance. Thereafter, at the instance of the petitioner, the suit itself was dismissed on 21.04.2023. Since the brothers and sisters of the petitioner tried to alienate the property taking advantage of the *ex-parte* decree, the petitioner had made a representation before the first respondent to register the decree obtained by the petitioner. However, the first respondent had passed the order stating that a batch of writ petitions relating to Section 77-A introduced under the Registration Act is pending before this Court. Challenging the same, the petitioner has filed this writ petition.

4.Considering the facts and circumstances of the case, this Court is of the view that the order impugned in this writ petition is passed without application of mind. Registering the decree and judgment of the civil



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Court is no way connected to Section 77-A introduced under the Registration Act. In such view of the matter, the rejection order passed by the first respondent dated 31.01.2024 in Na.Ka.No.639/Aa1/2024 stands quashed and this writ petition is **allowed**. The petitioner is at liberty to present the decree of the suit in O.S.No.776 of 2013 for registration. On such presentation, the first respondent shall register the same in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

18.09.2024

Index : Yes / No

Internet : Yes / No

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To

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- 2.The District Registrar,
O/o.The District Registrar,
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N.SATHISH KUMAR, J.

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