



W.P(MD)No.5204 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.5204 of 2016
and
W.M.P(MD)No.4661 of 2016

Mohamed Fathimuthu Johara

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome, Chennai-4.

2.The District Registrar,
Cheranmahadevi,
Tirunelveli District.

3.The Sub Registrar Office,
Kalakkad, Tirunelveli District.

4.Bathurunisa

5.Peer Mohamed @ Babu

6.Fathima

7.Sabia Beebi @ Pappammal

8.SeHu Meera @ Pappathi

... Respondents



W.P(MD)No.5204 of 2016

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records made in Na.Ka.P.67/15, dated 01.02.2016 passed by the third respondent, quash the same and further direct the third respondent to receive the returned documents including the decree of preemption along with petition and register the same on the file of the third respondent and pass such further or other orders as this Court.

For Petitioner : Mr.S.Vellaichamy

For R-1 to R-3 : Mr.P.Maharajan
Special Government Pleader

For R-4 to R-7 : Mr.K.Navaneetharaja

ORDER

The prayer sought for in the writ petition is for a direction to set aside the order, dated 01.02.2016 in refusing to register the decree made in O.S.No.74 of 2014 on the file of the Sub Court, Valliyoore.

2. It has been fairly accepted by the learned Special Government Pleader appearing for the official respondents that the law is settled in this aspect and also placed on record the judgment of this Court in W.P.No.11056 of 2024, dated 26.04.2024 reported in **2024 (3) MLJ 588**.



W.P(MD)No.5204 of 2016

WEB COPY

3. A perusal of the judgment would indicate that it had followed the Hon'ble Division Bench judgment reported in **2019 3 MLJ page 517** pointed out the learned Counsel for the petitioner and had directed registration of a decree at any point of time. As Section 23 of the Registration Act, 1908 would not be applicable for a Court decree. In view of the settled position of law, the impugned order is set aside. The petitioner shall present the said decree before the third respondent and on such presentation, the same shall be registered by the third respondent forthwith.

4. The writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

07.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



W.P(MD)No.5204 of 2016

WEB COPY

To

- 1.The Inspector General of Registration,
Santhome, Chennai-4.
- 2.The District Registrar,
Cheranmahadevi,
Tirunelveli District.
- 3.The Sub Registrar Office,
Kalakkad, Tirunelveli District.



WEB COPY



W.P(MD)No.5204 of 2016

K.KUMARESH BABU, J.

BTR

Order made in
W.P(MD)No.5204 of 2016

07.11.2024