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W.P.(MD) No.28018 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD) No.28018 of 2024

K.Arumuga Perumal

... Petitioner

-VS-

1.The District Registrar
The District Registrar Office
Virudhunagar

2.The Sub Registrar
The Sub Registration Office
Sivakasi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent to accept the judgement and decree passed by the Sub Court, Sivakasi, in O.S.No.180/2017 dated 19.07.2024 and register the same in accordance with law.

For Petitioner : Ms.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

Mr.D.Sadiq Raja, learned Additional Government Pleader, takes notice for the respondents.

2. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed for a direction to the respondents to accept the judgement and decree passed by the Sub Court, Sivakasi, in O.S.No.180 of 2017, dated 19.07.2024, and register the same in accordance with law

4. The petitioner acquired a land in Survey No.1361/4 of Aanaiyur Village, Sivakasi Taluk, Virudhunagar District, measuring an extent of 2.28.5 Hectares, from one Mariappan, on 26.09.2014. While being so, under coercion, he was compelled to sell the subject property in favour of one Vijayalakshmi under a sale deed dated 04.10.2017 and registered as document No.5009 of 2017. Therefore, immediately, he filed a suit in O.S.No.



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180 of 2017, before the Sub Court, Sivakasi, for declaration to declare the said sale deed as null and void. In the meanwhile, the said Vijayalakshmi transferred the subject property in favour of third parties. The purchaser was also impleaded as a party respondent in the said suit. After a full-fledged trial, the said suit was decreed in favour of the petitioner herein by Judgment and Decree, dated 19.07.2024, thereby the sale deed executed by the petitioner under coercion in favour of the said Vijayalakshmi was declared as null and void. In such circumstances, the petitioner presented the said Judgment and Decree of the Trial Court before the second respondent for registration. However, the second respondent refused to register the same. Hence, this writ petition.

5. On perusal of the materials available on record, it is seen that the documents sought to be registered are Judgment and Decree of the Civil Court, which are ought to have been registered by the Registering Authority, when the same are presented for registration and the same cannot be returned unregistered. Therefore, the petitioner is directed to re-present the Judgment and Decree of the Sub Court, Sivakasi, in O.S.No.180 of 2017, dated 19.07.2024, before the second respondent, for registration. On receipt of the



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same, the second respondent is directed to register the same and release the same to the petitioner forthwith, if it is otherwise in order. No costs.

25.11.2024

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

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To:

- 1.The District Registrar,
The District Registrar Office,
Virudhunagar.
- 2.The Sub Registrar,
The Sub Registration Office,
Sivakasi.



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G.K.ILANTHIRAIYAN, J.

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