

W.P (MD).No.491 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.491 of 2025

and

W.M.P(MD)No.340 of 2025

Vaiyapuri

... Petitioner

Vs.

The Sub-Registrar,
(Document Registration Department)
Aravakurichi Sub-Registrar Office,
Karur District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned refusal check slip in RFL/Aravakurichi/35/2024 dated 18.09.2024 and consequently issue direction to the respondent to register the Judgment in O.S.No.11 of 2013, on the file of the learned Principal District Judge, Karur dated 20.01.2016.

For Petitioner : Mr.K.Suyambulingabharathi

For Respondent : Mr.S.P.Maharajan
Special Government Pleader



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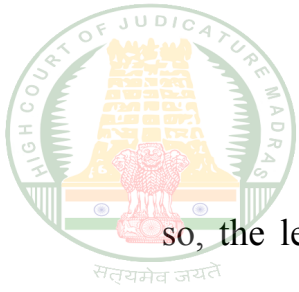
ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent, dated 18.09.2024 on the ground that already this Court in W.P(MD)No.18546 of 2024 granted interim stay.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The property comprised in S.No.520/2 situated at Pungampadi West Village, Aravakurichi Taluk, Karur District owned by one Periyasamy Gounder. In turn, he had sold out the same in favour of one R.K.Ashok Kumar by the registered sale deed, dated 11.04.2008 vide document No.1029/2008. In turn, he had sold out the same in favour of the petitioner by the registered sale deed, dated 24.09.2008 vide document No.2843 of 2008. After purchase, the entire revenue records were mutated in favour of the petitioner and the petitioner is in possession and enjoyment of the subject property. While being



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so, the legal heirs of the original owner of the property, namely, Periyasamy Gounder, had fraudulently filed a partition suit in O.S.No.201 of 2008, on the file of the Sub-Court, Karur and obtained ex-parte decree. In fact, the petitioner was not added as a party. After a decree, they executed the fraudulent sale deed in favour of one Parvathi by the sale deed dated 21.01.2013 vide Doc.No.166/13. Therefore, the petitioner was constrained to file a suit in O.S.No.11 of 2013 on the file of the Principal District Court, Karur for declaration and permanent injunction and to set aside the ex-parte decree in O.S.No.201 of 2008 and also challenging the subsequent sale deed dated 21.01.2013 registered vide in Doc.No.166/2013. By the judgment and decree dated 20.01.2016, the ex-parte decree was set aside and the sale deed dated 21.01.2013 also set aside by allowing the suit. Thereafter, the petitioner had executed two settlement deeds in favour of his son and wife vide Document No. 583 of 2016, dated 22.02.2016 and document No.3715/2021 dated 11.10.2021. Suppressing those facts, once again the purchaser, namely, Parvathi had executed another sale deed in respect of very same property on 28.09.2022 vide document No.4400/2022 in favour of the third party. Therefore, the petitioner's son lodged a complaint under Section 77-A of the Registration Act before the District Registrar and also filed a suit in O.S.No.No.290 of 2022 before the District Court, Karur challenging the subsequent sale deed as null and void.



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The said suit is now pending. The complaint lodged before the District Registrar was enquired and cancelled the fraudulent document by the order dated 23.06.2023. The said order was challenged by the said Parvathi in W.P(MD)No.18546 of 2024 and obtained the stay on the ground that the provision under Section 77-A of the Registration Act is declared as unconstitutional. However, the said proceeding is nothing to do with the earlier judgment and decree passed in O.S.No.11 of 2013 on the file of the Principal District Court, Karur.

5. Even assuming that the order passed by the District Registrar dated 23.06.2023 is set aside, it has nothing to do with the registration of the judgment and decree obtained by the petitioner in the earlier suit in O.S.No.11 of 2013. Therefore, the respondent ought not to have refused to register the judgment and decree passed in O.S.No.11 of 2013. Insofar as the limitation is concerned, under Section 23 of the Registration Act is also not applicable while registering the Civil Court judgment and decree. Therefore, absolutely, there is no bar for the respondent to register the judgment and decree passed by the Civil Court.



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6. In view of the above, this Court finds infirmity in the order passed by the respondent, dated 18.09.2024 and it cannot be sustained and liable to be quashed.

7. Accordingly, the order of the respondent dated 18.09.2024 is quashed and the writ petition is allowed. The petitioner is directed to represent the judgment and decree passed in O.S.No.11 of 2013 along with original certified copy of the judgment and decree for registration and on receipt of the same, the respondent is directed to register the same, if it is otherwise in order.
No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

07.01.2025

To

The Sub-Registrar,
(Document Registration Department)
Aravakurichi Sub-Registrar Office,
Karur District.



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G.K.ILANTHIRAIYAN, J.

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