



W.P.(MD)No.7221 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.7221 of 2025

G.Saravanan

... Petitioner

Vs.

1.The District Registrar,
Kumbakonam, Thanjavur District.

2.The Sub Registrar,
Thiruvudaimaruthur Sub Registrar Office,
Thiruvudaimaruthur, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to register the decree in O.S.No.336 of 2004 on the file of the Additional District Munsif, Valangaiman at Kumbakonam based on the petitioner's representation dated 10.08.2023.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader



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ORDER

The petitioner states that the property situated in S.No.196/5 of Thepperumanallur Village, Kumbakonam Taluk, Thanjavur District, originally belonged to two persons, namely, Srinivasa Padayachi and Govindaraj Padayachi. Both the persons divided the property by way of an oral partition. In the said partition, the aforesaid property fell to the share of Govindaraj Padayachi. The said Govindaraj Padayachi is none other than the petitioner's father.

2. The petitioner pleads that during the lifetime of his father, he had mortgaged the property in favour of one Kaliyamoorthy for a sum of Rs.15,000/-. After the death of Govindaraj Padayachi, the petitioner and the other legal heirs of Govindaraj Padayachi attempted to redeem the mortgaged property. The said Kaliyamoorthy was not willing to the same. Instead, Kaliyamoorthy presented a suit in O.S.No.336 of 2004 before the Additional District Munsif Court, Valangaiman, Kumbakonam, seeking the relief of permanent injunction restraining the defendants therein from interfering with his peaceful possession and



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enjoyment of the property. The said suit came to be dismissed by the learned Additional District Munsif. The defendants therein, namely, the legal heirs of Govindaraj Padayachi had set up a counter claim of redemption and delivery of possession. The learned Additional District Munsif considered the counter claim favourably and directed the legal heirs of Govindaraj Padayachi to deposit a sum of Rs.15,000/-, being the mortgage amount, and granted the prayer for recovery of possession. On the strength of this decree, an execution petition in E.P.No.5 of 2019 was filed. The same was ordered and the decree holders took delivery of the property.

3. The petitioner approached the second respondent to register the said decree. The second respondent refused to do the same stating that the decree was barred by limitation. An appeal was made to the first respondent, before whom, the matter is still pending for consideration. Hence, this writ petition.

4. When the matter came up for admission, Mr.S.Mariselvam urges that the writ petitioner wants the registration of the decree, which has



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attained the finality, in order to ensure that no claim is made on the basis of the mortgage, which has been discharged pursuant to the decree.

5. Mr.R.Suresh Kumar took notice for the respondents. He has produced written instructions from the second respondent /Sub Registrar, Thiruvidadaimaruthur to the effect that the document was not registered, on account of the fact the patta and other revenue documents had not been enclosed by the writ petitioner and secondly, on account of the fact that a certain release deed has been executed and registered by the second respondent in the interregnum . Hence, he pleads that the writ petition may be dismissed.

6. I have carefully considered the submissions of both sides.

7. It has been held by this Court in the case of ***Federal Bank vs., Sub-Registrar, 2023 2 CTC 289***, that the Sub-Registrar cannot insist upon the production of revenue document, prior to registration of documents. Infact, on the basis of the judgment in ***Federal Bank's case***, the Inspector General of Registration had also issued a circular stating



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that Sub-Registrars must not insist on production of revenue documents as condition precedent for registration of document. Despite the same, the Sub-Registrar has instructed the learned Government Pleader that, due to non-production of revenue records, he is not in a position to register the decree. Imposition of such a condition precedent, on insisting of revenue records prior to registration of document, is neither found under the Registration Act nor under the Registration Rules made therein.

8. The registration of decree is optional. It is only to ensure that a person, who attempts to deal with the property, is aware that a suit had been instituted over the property, which had ended in a decree. Since the suit and counter claim were filed in the year 2004, all the documents, which have come thereafter, would necessarily have to be held to be covered by the doctrine of *lis pendens*.

9. In any event, it is not the business of the Sub-Registrar to probe into the title. This Court in the case of ***Senthilvel Vs., The District Registrar in W.P(MD).No.22114 of 2024, dated 17.10.2024***, had held



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that the objection of double entry is not a ground for the Sub-Registrar to refuse the registration of document.

10. In the light of the above discussion, this Writ Petition succeeds.

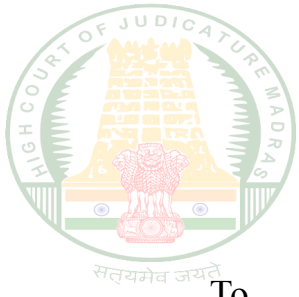
There shall be a mandamus as prayed for. The second respondent/ Sub-Registrar shall register the judgment and decree in O.S.No.336 of 2004 on the file of the Additional District Munsif Court, Valangaiman, Kumbakonam, within a period of two (2) weeks from the date of uploading of this order to the website of this Court.

11. In result, this Writ Petition is allowed. No costs.

12. Post the matter after three weeks 'for reporting compliance'.

Index :Yes / No
NCC :Yes / No
Rmk

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To
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V. LAKSHMINARAYANAN, J.

Rmk

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