



W.P(MD)No.13958 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.13958 of 2024

and

W.M.P.(MD)No. 12239 of 2024

Poongalaimaniyan

... Petitioner

Vs.

1. The District Registrar,
Ramanathapuram,
Ramanathapuram District.

2. The Sub Registrar,
Muthukulathoor,
Ramanathapuram District.

3. Tahsildar,
Kadaladi,
Ramanathapuram District.

...Respondents

***(R3 is suo motu impleaded by this Court, vide
this order, dated 08.08.2025, in W.P.(MD)No.
13958 of 2024)***

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining in Na.Ka.No.1478/Aa1/2024 dated 15.04.2024 on the file of the 1st



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respondent and to quash the same as illegal, unjust and without jurisdiction and consequently, to direct the 2nd respondent to register the Court decree in O.S. No. 32 of 2009 dated 23.06.2009 on the file of the District Munsif Court, Muthukulathoor and to release the same.

For Petitioner : Mr.S.A.Ajmal Khan

For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus to quash the Na.Ka.No.1478/Aa1/2024 dated 15.04.2024 on the file of the 1st respondent and consequently, to direct the 2nd respondent to register the Court decree in O.S.No.32 of 2009 dated 23.06.2009 on the file of the District Munsif Court, Muthukulathoor and to release the same.

2. The contention of the petitioner is that his father filed a suit for declaration and perpetual injunction against the Revenue officials in O.S.No.32 of 2009, on the file of the District Munsif Court, Muthukulathoor. The Trial Court granted an exparte decree, dated 23.06.2009, in favour of the petitioner's father. The petitioner's father approached the respondents to register the decree but the respondents rejected to register on the same day i.e. on 28.09.2010. Then on 22.06.2011 the petitioner's father preferred an appeal before District Registrar along with condone delay application to condone 235 days delay and the same



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was dismissed on 16.03.2011. Then a representation was submitted to the Inspector General of Registration to consider the representation and filed W.P. (MD)No. 15636 of 2012 and the Court vide order 25.04.2014 directed the respondents to consider and pass orders. Along with the order the petitioner's father had submitted representation on 28.05.2014 and the respondents refused to register it on 27.06.2014. Therefore, the petitioner's father filed W.P.(MD)No. 13497 of 2014 and this Court vide order dated 16.06.2021 allowed the same and held that the limitation prescribed under section 23 and 25 of Registration Act will not be applicable for court decree and directed to register the certified copy of the decree.

3. In the meanwhile, the petitioner's father died on 02.03.2018, after the demise of the petitioner's father, the petitioner approached the respondents to register the decree but the respondents passed the impugned order refusing to register the same. The respondents have stated in the impugned order that the decree is an exparte decree, and land is classified as "Oruvanendhal Kanmai" and it was remarked as government poramboku. Aggrieved over the same, the present writ petition is filed.

4. This Court had considered the rival submissions. It is seen that the petitioner had obtained an exparte declaration and injunction decree against the



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revenue officials. Against the same there is no appeal. The petitioner is seeking to register the said decree.

5. Through the impugned order the respondents have stated that the revenue record states the S.No.215/3 is classified as “Oruvanendhal Kanmai” and remarked as “government poramboku” land. If it is water body then the same ought to be preserved as water body. However, there is exparte decree in favour of the petitioner.

6. But revenue officials are not party in the present writ petitioner, Therefore, this Court is suo moto impleading the Tahsildar, Kadaladi, Ramanathapuram District, as 3rd respondent. The 3rd respondent Tahsildar is directed to survey the land of the petitioner and earmark the petitioner’s land and Kanmai. If the petitioner is claiming right over the kanmai portion of land, then the revenue officials are at liberty to take steps to set aside the judgment and decree as per law. The said exercise shall be completed within a period of eight weeks from the date of the receipt of this order.

7. As far as the registration of the judgment and decree is concerned, the same shall be registered and the said registration is without prejudice to the rights of the revenue officials and above observation. If appeal or set aside exparte



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decree proceedings ended in favour of the revenue, then based on the same the entry in favour of the petitioner may be removed / deleted. The registration of the judgement and decree shall be completed within a period of eight weeks from the date of receipt of the copy of this order.

8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

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

Tmg

To

1. The District Registrar,
Ramanathapuram,
Ramanathapuram District.

2. The Sub Registrar,
Muthukulathoor,
Ramanathapuram District.

3. Tahsildar,
Kadaladi,
Ramanathapuram District.

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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.13958 of 2024**

DATED : 08.08.2025