



W.P.(MD).No.2894 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05-03-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.2894 of 2026

R.Kulaikather Thangadurai

... Petitioner

Vs.

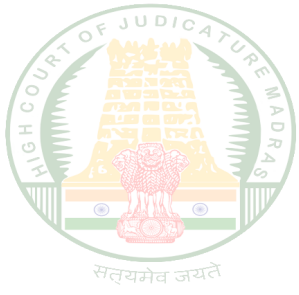
The Sub Registrar,
Valliyoar,
Tirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in Na.Ka.No.460/2023 dated 27.10.2023 and quash the same and consequently direct the respondent to register the judgment and decree dated 07.07.2023 passed in O.S.No.304 of 2013 passed by Additional District Munsif Court, Valliyoar within the time frame fixed by this Honble court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.F.Deepak
Special Government Pleader



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ORDER

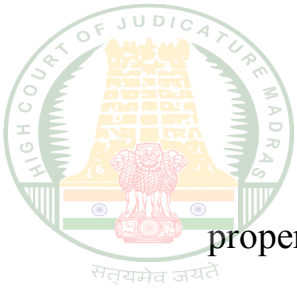
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The writ petition is filed calling for the records relating to the impugned order dated 27.10.2023 and to quash the same and consequently directing the respondents to register the judgment and decree dated 07.07.2023 passed in O.S.No.304 of 2013 passed by Additional District Munsif Court, Valliyoor.

2. Heard Mr.H.Arumugam, learned counsel for petitioner and Mr.F.Deepak, learned Special Government Pleader, who takes notice for the respondent.

3. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

4. Upon hearing the learned counsel appearing for the petitioner and upon perusal of the materials available on record, it is seen that the grievance of the petitioner is that the petitioner had filed O.S. No. 304 of 2013 seeking a declaration that the petitioners are the absolute owners of the suit property and for consequential reliefs in respect of the said



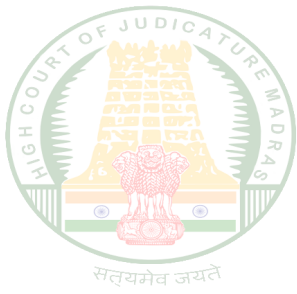
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property. In the said suit, the Bhoodan Board, represented through the District Collector, was made as the defendant. After the decree was passed in favour of the petitioners, the same was presented before the registering authority for registration. However, the registering authority refused to register the said decree.

5. The impugned order states that registration has been refused based on the circular issued in this regard. The enclosed circular that is relied upon is dated 27.02.2023, wherein it generally stated that any Court Decree relating to HR & CE, Boothan Board, etc., shall not be registered.

6. The learned counsel for the petitioner would submit that such circular cannot override the rights of the petitioner to get the decree registered in accordance with law.

7. Per Contra, the learned Special Government Pleader for the respondents would submit that once the land is classified as land belonging to Boodhan Board, the standing instruction is that such a decree cannot be registered.



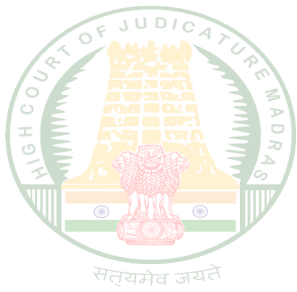
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8. I have considered the rival submissions made and perused the material records of the case.

9. In this case, the respondents have not understood even the purport of the circular. The inclusion of such a clause in the circular is only with reference to Section 22-A of the Registration Act, under which the concerned authorities are entitled to raise objections regarding registration. Even where such an objection is raised, the registering authority is required to consider the same in accordance with law.

10. The Hon'ble Division Bench of this Court in the case of **Sudha Ravi Kumar and another vs. The Special Commissioner (HR & CE)** in W.P.(No).30589 of 2012 and etc., has already held that such a request or a decision by itself would not be binding on the parties and Sub Register has to conduct an enquiry even the aggrieved party has to only to approach the Civil Court.

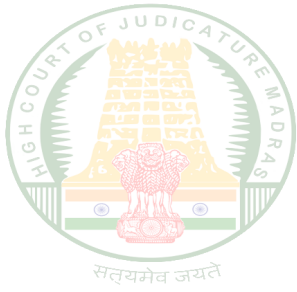


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WEB COPY 11. In the present case, the issue has already been adjudicated by the Civil Court. I have also gone through the judgment of the Civil Court. The Civil Court had framed a specific issue as to whether the property belongs to the petitioners or to the Bhoodan Board. It was stated that a third party had donated the said property to the Bhoodan Board. However, the Civil Court found that though the survey number finds place in the donation document, absolutely no title was established in favour of the said person who purported to make the donation.

12. On the contrary, the petitioner herein had clearly traced his title to the property. The relevant document was considered by the Civil Court and, on merits, it was held that merely because a third party had included the survey numbers in the donation made to the Bhoodan Board, the same would not divest the title of the petitioner.

13. In view of the above findings, this is not a case where the respondents can rely upon the circular and refuse to register the decree. It is another matter that, if aggrieved, the Bhoodan Board is at liberty to file an appeal as against the judgment of the Civil Court.



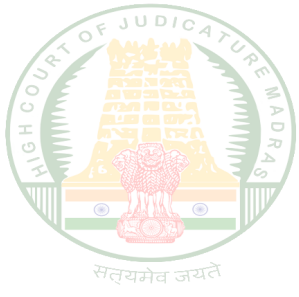
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WEB COPY 14. In view thereof, this writ petition is ordered on the following terms:-

- i. The impugned order dated 27.10.2023 is set aside;
- ii. The Respondent is directed to register the decree that is presented for registration by the petition within a period of three weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order.
- iii. It is made clear that in this writ petition Boodhan Board is not made as a party and therefore, whatever the observations made herein are only for the purpose of purpose relating to the registration and will not in any manner affect the right of the Boodhan Board.
- iv. No costs.

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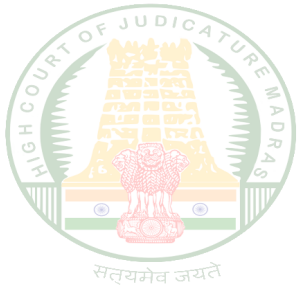
Index: Yes
Speaking Order: Yes
Neutral Citation: No
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To
The Sub Registrar,
Valliyoor,
Tirunelveli.



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D.BHARATHA CHAKRAVARTHY, J.

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