

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.33066 of 2014

1.Banu

2.Muniammal

.. Petitioners

Vs.

1.The District Registrar
District Registrar Office
Chennai South.

2.The Sub Registrar
Padappai
Kancheepuram District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records on the file of the second respondent in No.361/TN/2014 dated 18.09.2014 and to quash the same and direct the second respondent to register the judgment and decree in O.S.No.2015 of 1993 dated 03.12.2002 on the file of learned District Munsif, Poonamallee.

For Petitioners : Mr.V.Chandrakanthan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

सत्यमेव जयते
O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.V.Chandrakanthan, learned Counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents.

3.The petitioner seek for quashing the order passed by the second respondent dated 18.09.2014 and to direct the second respondent to register the judgment and decree in O.S.No.2015 of 1993 dated 03.12.2002 on the file of learned District Munsif, Poonamallee.

4. According to the petitioners they are the absolute owners of the property to an extent of 1 acre 47 cents comprised in Survey NO.357/2, Patta No.574 situated at Manimangalam Village, Sriperubudur Taluk, Kancheepuram District, which was originally owned by their mother Mrs.Dhanalakshmi, who obtained the property from her mother under a 'Will' dated 03.07.1969 and the same was also registered as Doc.NO.54/1969 at Sub Registrar Office, Tambaram. It is submitted that the petitioners along with their mother filed a suit in O.S.No.2015 of 1993 before the District Munsif, Poonamallee and prayed for declaration of title other reliefs. In the meanwhile, the petitioners mother died on 14.10.1999 and during the pendency of the Suit one Navamani Ammal and others illegally created a Sale Deed in favour of Jayammal over the same property. therefore they prosecuted the Suit and the Suit was decreed on 03.12.2002. Subsequently, when they approached the Tahsildar, Sriperumudur Taluk to issue patta in their favour they did not take any steps and thereafter the Revenue Divisional Officer after conducting elaborate enquiry directed the Tahsildar to issue patta in favour their favour and accordingly, the Tahsildar, Sriperumbudur issued Patta NO.3569 in favour of the petitioners. On the basis of the above, when they approached the second respondent to register the Judgment and decree in O.S.No.2015 of 1993 dated 03.12.2012 on the file of learned District Munsif, Poonamallee, the second respondent by the impugned order dated 18.09.2014, insisted the petitioners for production of letter from the Court concerned for the purpose of registering the decree.

5. Admittedly, the petitioners have produced a certified copy of the decree and for all purpose the second respondent can taken into consideration of the same and thereafter proceed with the registration process in accordance with law.

6. Accordingly, the Writ Petition is allowed and the impugned order is set aside and the second respondent is directed to accept the certified copy of the Judgment and decree produced by the petitioners and if the petitioners have complied with all other requirements prescribed, proceed to register the documents, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

Dated: 26.2.15

True Copy

Sub Assistant Registrar

To

1.The District Registrar
District Registrar Office
Chennai South.

2.The Sub Registrar
Padappai
Kancheepuram District.

+1 cc to Mr.V.Chandrakanth, Advocate,SR.9098.

ad(co)
krd 26/2

W.P. No.33066 of 2014



WEB COPY