

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.13149 of 2021

Palanisamy,
S/o.late Chinnasamy

...Petitioner

Vs.

The Sub-Registrar,
Uthukuli Sub-Registrar Office,
Tiruppur Dt.

...Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to Refusal Check Slip in refusal Number RFL/Uthukuli/3/2021 dated 28.04.2021 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 08.01.2021 passed in O.S.No.75 of 2016 on the file of Subordinate Court, Perundurai, Erode District.

For Petitioner:	Mr.M.Guruprasad
For Respondent:	Mr.Yogesh Kannadasan, Government Advocate

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed challenging the order passed by the respondent/Sub-Registrar refusing to register the decree dated 08.01.2021.

2. According to the petitioner, the petitioner's mother filed a suit in O.S.No.75 of 2016 for partition on the file of the District Munsif Court, Perundurai and a preliminary decree was also passed on 08.01.2021 by giving 2/12 share in favour of the petitioner. Subsequently, the petitioner produced the same before the respondent for registering the decree, but he refused to register the same stating that the survey number of property is wrongly mentioned. Hence, the present writ petition has been filed.

3. The learned Government Advocate, on instructions, would submit that, on verification of the Revenue Records relating to the suit schedule property, it is seen that, the property has been subdivided and re-survey number has been given. That apart, chitta and adangal is also not standing in the name of the petitioner, Hence, the Sub-Registrar refused to register the decree.

4. I have considered the submissions made on either side and perused the materials available on records carefully.

5. The petitioner only wants to register a decree passed by the Civil Court, it is also presented in time. It is the duty of the Registrar to register the same after collecting necessary registration and other charges, the Sub-Registrar cannot go into the question whether the survey number found in the decree is correct or not and the Sub-Registrar need not verify the revenue records regarding the title of the property. The Sub-Registrar is not empowered to go into the validity of the decree while registering the same.

6. In the said circumstances, the writ petition is allowed and the order passed by the Registrar refusing to register the decree is set-aside and the respondent is directed to register the same, if it is otherwise in order, within a period of six(6) weeks from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

mrp
To

The Sub-Registrar,
Uthukuli Sub-Registrar Office,
Tiruppur Dt.

+1 CC to Mr.M.Guruprasad, Advocate sr 32649.
+1 CC to The Government Pleader sr 32924.

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PCH(CO)
SP(09/08/2021)