



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19528 of 2021

Sivanantham.

... Petitioner

Versus

The Sub-Registrar,
Avalpoondurai,
Erode District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Avalpoondurai/71/2021 dated 26.07.2021 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 18.12.2019 passed in O.S.No.498 of 2019 on the file of the Principal District Judge, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order passed by the respondent in RFL/Avalpoondurai/71/2021 dated 26.07.2021, quash the same as illegal and incompetent and consequently, to direct the respondent to register the decree dated 18.12.2019 passed in O.S.No.498 of 2019 by the learned Principal District Judge, Erode.

2. The case of the petitioner is that the petitioner filed a suit in O.S.No.498 of 2019 before the Principal District Judge, Erode for partition against his father namely Thangavel and his brother Sakthigiriraj. Both the suits A & B schedule properties were ancestral and joint family properties. After various dates of hearing the above suit was referred to Lok Adalat and the disputes between the parties have been settled and therefore, the shares were allotted in view of the detailed terms of the settlement memo on December, 2019 and the same was



recorded to pass final decree dated 18.12.2019 in O.S.No.498 of 2019 on the file of the Principal District Judge, Erode and the same was presented for registration before the respondent herein. Thereafter, the impugned order dated 26.07.2021 passed by the respondent herein stating that there has been a delay of 240 days from the date of execution and the respondent has refused to register the decree of the aforesaid suit. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's case and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's case or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondent herein to register the decree dated 18.12.2019 passed in O.S.No.498 of 2019 on the file of the Principal District Judge, Erode and pass appropriate orders, on merits and in accordance with law, after affording an opportunity to the parties concerned within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The Sub-Registrar,
Avalpoondurai, Erode District.
2. The Principal District Judge, Erode.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.46926
+1cc to the Government Pleader, S.R.No.47502

W.P.No.19528 of 2021

RSI (CO)
CS/20/10/2021