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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19943 of 2021

K. Loganathan

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Erode,
Erode District.

2. The Sub Registrar,
Sivagiri Sub Registrar Office,
Sivagiri,
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order made in Refusal Check Slip in RFL/Sivagiri-Erode/40/2021, dated 16.08.2021 passed by the 2nd respondent, quash the same and consequently, direct the 2nd respondent to register the Final Decree dated 31.10.2000 made in I.A.No.660 of 1999 in O.S.No.199 of 1998 passed by the learned Principal Sub Court, Erode and release the document.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.Yogesh Kannadasan
Government Advocate



ORDER

This writ petition has been filed for a Certiorarified Mandamus to quash the impugned order made in Refusal Check Slip in RFL/Sivagiri-Erode/40/2021, dated 16.08.2021 passed by the second respondent and to register the Final Decree dated 31.10.2000 made in I.A.No.660 of 1999 in O.S.No.199 of 1998 passed by the learned Principal Sub Court, Erode and also release the document.

2.The case of the petitioner is that his mother Pongiammal, his sister K.Jayanthi and himself represented by his mother Pongiammal filed a suit in O.S.No.199 of 1998 against their father for partition and separate possession, a preliminary decree was ordered on 14.07.1998 and he along with others filed I.A.No.660 of 1999 in O.S.No.199 of 1998 and a final decree was ordered on 31.10.2000 based on the report and plan filed by the learned Advocate Commissioner.

3.The petitioner submits that he was born on 12.04.1983 and he was a minor during the course of the above said suit and hence, he was represented by his mother Pongiammal in the above suit and he did not know about the necessity to register the Final Decree made in I.A.No.660 of 1999 before the second respondent so as to reflect the same in the Encumbrance Certificate.

4.The petitioner further submits that after getting the certified copy of the decree, presented the same before the second respondent on 16.08.2021 for registration, but the second respondent refused to register the same by issuing a Refusal Check Slip No. RFL/Sivagiri-Erode/40/2021, dated 16.08.2021 stating that the document cannot be registered beyond the period prescribed under Section 23 of the Registration Act, 1908.

5.The learned counsel appearing for the petitioner submits that the petitioner will be satisfied to quash the impugned order made in Refusal Check Slip in RFL/Sivagiri-Erode/40/2021, dated 16.08.2021 passed by the second respondent and to register the Final Decree dated 31.10.2000 made in I.A.No.660 of 1999 in O.S.No.199 of 1998 passed by the learned Principal Sub Court, Erode and also release the document.



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6.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of the India. Hence, the writ petition filed.

7.Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

8.In view of the above and the submission made by the petitioner and without expressing any opinion on merits, this Court is of the view that the respondents shall pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

gba/pam

To

1. The District Registrar,
Registration Department,
Erode,
Erode District.
2. The Sub Registrar,
Sivagiri Sub Registrar Office,
Sivagiri,
Erode District.

Copy to
The Sub Judge, Erode.

+1CC to M/s., Advocate, SR.No. 48157
+1CC to The Government Pleader, SR.No. 48595

W.P.No.19943of 2021

GSM(CO)
B.VC (02/11/2021)