



W.P.No.28804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28804 of 2022

And

W.M.P.No.28086 of 2022

S.Kathirvel

... Petitioner

Vs.

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

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order made in refusal check slip in Refusal Number : RFL/ Sivagiri - Erode / 53 / 2021 dated 13.10.2021 by the respondent quash the same and consequently direct the respondent register the decree dated 26.04.2021 and Lok Adalat Award dated 10.04.2021 made in O.S.No.168 of 2021 passed by the I Additional Sub Judge, Erode.

For Petitioner : Mr.K.Karthikeyan

For Respondent : Mr.G.Krishna Raja

Additional Government Pleader



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for records relating to the impugned order made in refusal check slip in Refusal Number : RFL/ Sivagiri – Erode / 53 / 2021 dated 13.10.2021 by the respondent, quash the same and consequently direct the respondent to register the decree dated 26.04.2021 and Lok Adalat Award dated 10.04.2021 made in O.S.No.168 of 2021 passed by the learned I Additional Sub Judge, Erode.

2.The learned counsel appearing for the petitioner submitted that the petitioner's maternal grandmother along with family members filed a suit for partition in O.S.No.168 of 2021 before the learned I Additional Sub Judge, Erode and the parties entered into compromise during the Lok Adalat held on 10.04.2021 and decree was passed by the learned I Additional Sub Judge, Erode on 26.04.2021 and the petitioner presented the same for registration, however, it was refused on the ground S.No.345/7 has been classified as water body. However, the fact remains that S.No.345/7 has been classified as water body and S.No.345/4 remains in the name of the



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petitioner. Hence, this Court may grant liberty to the petitioner to file appropriate amendment petition before the I Additional Sub Court, Erode, in the manner known to law.

3.The facts in the present case is not in dispute. The petitioner presented the decree dated 26.04.2021 and Lok Adalat Award dated 10.04.2021 made in O.S.No.168 of 2021 passed by the learned I Additional Sub Judge, Erode, before the respondent for registration, however, it was refused on the ground S.No.345/7 has been classified as water body.

4.This Court perused the revenue records and it reveals that S.No.345/7 has been classified as water poromboke and the very same revenue records reflected the name of the petitioner in S.No.345/4 . Hence, liberty is granted to the petitioner to file appropriate petition before the I Additional Sub Court, Erode, for amendment of the decree and further liberty is granted to the petitioner to present the same after amendment of the decree. If any such document is presented by the petitioner after amendment of the decree, the respondent shall entertain the same and pass appropriate orders.



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M.DHANDAPANI,J.

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5.With the above observations, this writ petition is dismissed.

No costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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

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And

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