



W.P.(MD)No.20039 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.09.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.20039 of 2022
and
W.M.P.(MD)No.14578 of 2022

T.Sathyamurthi

.. Petitioner

Versus

The Sub-Registrar,
Srirangam Sub-Registration Office,
Srirangam,
Trichy District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of refusal check slip passed by the respondent in his proceedings in RFL/SRIRANGAM/74/2022, dated 24.08.2022, quash the same as illegal and consequently, direct the respondent to register the final decree passed in O.S.No.67/1986 on the file of the Sub-Court, Lalgudi, dated 16.12.2019.

For Petitioner : Mr.R.Surya Prakash

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

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The petitioner has filed this Writ Petition seeking to quash the order of refusal check slip issued by the respondent vide his proceedings in RFL/SRIRANGAM/74/2022, dated 24.08.2022, and consequently, direct the respondent to register the final decree passed in O.S.No.67/1986, on the file of the Sub-Court, Lalgudi, dated 16.12.2019.

2.The case of the petitioner is that originally a suit in O.S.No.67 of 1986 was filed by one Rajammal, W/o.Muthusami, before the I Additional Sub-Court, Trichy, for partition and separate possession of the suit properties. The learned I Additional Sub-Judge, Trichy, passed a preliminary decree in the above said suit, vide judgment and decree, dated 24.10.1989, in favour of the said Rajammal, by dividing the properties mentioned in 'B' and 'C' schedule into two equal parts and 'A' part was allotted to the said Rajammal. Subsequently, the said Rajammal filed a final decree application in I.A.No.234 of 1990 before the I Additional Sub-Court, Trichy, and the same was transferred to the Sub-Court, Lalgudi, and renumbered as I.A.No.1 of 2019 in O.S.No.67 of 1986, vide the order of the learned Principal District Judge, Trichy. During the pendency of the final decree proceedings, the said Rajammal passed away. As a legal heir of the said Rajammal, the petitioner herein was impleaded as plaintiff in the said suit.



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3. In the meantime, the defendants 1 and 2 in O.S.No.67 of 1986, preferred an appeal in A.S.No.1352 of 1989 before this Court as against the preliminary decree passed in O.S.No.67 of 1986, on the file of the I Additional Sub-Court, Trichy. This Court, vide judgment and decree, dated 07.04.2006, dismissed the said appeal suit and confirmed the fair and decreetal order passed by the learned I Additional Sub-Judge, Trichy. Thereafter, the learned Sub-Judge, Lalgudi, passed final decree in the said suit, vide judgment and decree, dated 16.12.2019, in I.A.No.1 of 2019 in O.S.No.67 of 1986, by allotting the properties mentioned in the decree to the petitioner. Thereafter, on 24.08.2022 the petitioner presented the final decree, dated 16.12.2019, before the respondent for registering the same. The respondent refused to register the same and issued the impugned refusal check slip stating that the document summary entered incorrectly.

4. The learned Additional Government Pleader appearing for the respondent submits that the final decree does not show the entry of S.No. 12/6G, measuring an extent of 0.28.0 Hectares and therefore, the respondent refused to register the final decree passed in O.S.No.67/1986, on the file of the Sub-Court, Lalgudi, dated 16.12.2019.



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5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

6. On going through the documents filed by the petitioner in form of additional typed set of papers, wherein at Paragraph No.6 of the Advocate Commissioner's final report, dated 13.11.1991, it is seen that under the heading namely, "B" Party, the said survey number [12/6G, 0.28.0 Hectare] has been mentioned as 9th item. The Court below accepted the said report filed by the Advocate Commissioner and had passed the judgment and decree. On going through the said judgment and decree, dated 16.12.2019, passed by the Sub-Court, Lalgudi, it is clear that in the decree at Serial No.7, it has been mentioned that the joint compromise memo dated 21.08.2019, Advocate Commissioner's report and sketch shall form part of the decree. As per the same, the petitioner herein is entitled to have a share in the property in S.No. 12/6G, measuring an extent of 0.28.0 Hectare. Therefore, there is no impediment for the respondent to register the same as per the Advocate Commissioner's report and the joint compromise memo.

7. In view of the above, the impugned refusal check slip issued by the respondent, dated 24.08.2022, is set aside and the respondent is directed to



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register the final decree passed in O.S.No.67/1986, on the file of the Sub-Court, Lalgudi, dated 16.12.2019, in the light of the Advocate Commissioner's report and the joint compromise memo, within a period of four weeks from the date of receipt of copy of this order.

8.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

14.09.2022

Index : Yes/No
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To

The Sub-Registrar,
Srirangam Sub-Registration Office,
Srirangam,
Trichy District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.20039 of 2022

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