



WEB COPY

W.P.No.14772 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14772 of 2023

Kalingarajan

... Petitioner

Vs.

1.The District Registrar,
Salem, Salem District,

2.The Sub Registrar,
Sub Registrar Office,
Jalagandapuram,
Mettur Taluk, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in pursuant to check slip No.1/2023 dated 31.03.2023 passed by the 2nd respondent, quash the same consequently direct the 2nd respondent to register the Judgement and decree passed in O.S.No.250 of 1999 dated 10.09.2019 on the file of his office.

For Petitioner

: Mr.M.Elango

For R1 & R2

: Mr.G.Krishna Raja
Additional Government Pleader



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ORDER

The refusal check slip issued by the 2nd respondent in proceedings dated 31.03.2023 to the petitioner is under challenge in the present writ petition.

2. The petitioner states that a partition suit has been filed in O.S.No.250 of 1999 on the file of the Sub Court, Mettur. A preliminary decree has been passed in the suit for partition. The petitioner presented the preliminary decree for registration. However, the said document was returned by the 2nd respondent on the ground that the petitioner has got one share in B Schedule property and one share in A and C Schedule property. But the share belonging to the petitioner has already been sold to various other parties and there is an entry in the encumbrance.

3. In this regard, the learned counsel for the petitioner states that it is a vast extent of property measuring to an extent of 96 acres and the petitioner had already sold few portions and further registration of a preliminary decree is unconnected with the rights to sell the property belonging to the petitioner.



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4. As far as the Court decree is concerned, the Sub Registrar need not go into the rights of the parties. It is a preliminary decree presented for registration and that being the factum, there is no impediment for the Registrar to accept the document and register by following the procedures. Even in case, portion of the properties are sold by the petitioner that is disputed between the parties it is unconnected with the process of registration as per the Act.

5. This being the factum, the impugned refusal check slip issued by the 2nd respondent in proceedings No.1/2023 dated 31.03.2023 is quashed. The 2nd respondent is directed to proceed with the registration by following the procedures as contemplated. The said exercise is directed to be completed within a period of four (4) from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petitions stands allowed. No costs.

21.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order



To

1. The District Registrar,
Salem, Salem District,

2. The Sub Registrar,
Sub Registrar Office,
Jalagandapuram,
Mettur Taluk, Salem District.

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S.M.SUBRAMANIAM, J.

Jeni

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