



W.P(MD)No.1264 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1264 of 2023

Subramani

... Petitioner

Vs

The Sub-Registrar,
Kallimandhayam,
Dindigul District.

... Respondent

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 pertaining to the impugned refusal check slip issued by the respondent in Refusal Number - RFL/Kallimandhayam/42/2022 dated 22.12.2022 and quash the same as illegal, consequently direct the respondent to register the decree made in O.S.No.918 of 2022 passed by the Sub-Court, Oddanchatram dated 11.10.2022.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2.The petitioner and his sister P.Vanjammal filed O.S.No.238 of 2021 on the file of Sub Court, Palani, against one Manimegalai and two others seeking declaration and permanent injunction. The said suit had later transferred to Sub Court, Oddanchatram and renumbered as O.S.No.918 of 2022. It was decreed as prayed for on 11.10.2022. The petitioner who was first plaintiff in the suit presented the decree for registration. The respondent took the stand that the revenue record reflects the names of Vanjammal and Manimegalai and that therefore it is not possible to register the decree. Challenging the said communication, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that Vanjammal whose name is shown in the revenue record is none other than his grandmother. He pointed out that they have obtained decree against the other pattadhar and there cannot be any exception taken by the registering authority.

4.The petitioner's contentions are quite acceptable. But then the registering authority will have to satisfy himself that decree has been obtained



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against Manimegalai and that the plaintiffs in the suit are none other than the grandchildren of Vanjammal whose name is appearing in the revenue record.

5.I therefore permit the petitioner to re-present the decree in question. The registering authority shall issue notice to Manimegalai whose name appears in the revenue record. The petitioner shall place materials before the registering authority that he is none other than the grandson of Vanjammal whose name appears in the revenue record. Once the respondent is satisfied about the factual assertions made by the petitioner, the decree in question shall be registered. The entire exercise shall be completed within a period of twelve weeks after re-presentation by the petitioner. The impugned order is interfered with to the extent mentioned above.

6.This writ petition is allowed on these terms. There shall be no order as to costs.

22.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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G.R.SWAMINATHAN, J.

MGA

To

- 1.The Sub-Registrar,
Kallimandhayam,
Dindigul District.
- 2.The Sub-Court,
Oddanchatram.

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