



W.P.(MD)No.15949 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.15949 of 2022

P.Kumar

... Petitioner

vs.

1.The District Registrar,
Palani, Dindigul District.

2.The Sub Registrar,
Ottanchathiram, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned check slip passed by the second respondent in his proceedings Refusal No.RFL/Ottanchathiram/21/2022, dated 15.06.2022 and to quash the same as illegal and arbitrary and consequently, to direct the second respondent to register the decree in O.S.No.112 of 2009 on the file of the District Munsif Court, Ottanchathiram.



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For Petitioner :Mr.G.Gomathi Shankar
For Respondents :Mr.M.Prakash
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the refusal check slip issued by the second respondent/Sub Registrar, Ottanchathiram, Dindigul District in proceedings in Refusal No.RFL/Ottanchathiram/21/2022, dated 15.06.2022 and to direct the said respondent to register the decree in O.S.No.112 of 2009, dated 27.02.2014.

2.Heard Mr.G.Gomathi Shankar, learned Counsel for the petitioner, Mr.M.Prakash, learned Additional Government Pleader for the respondents.

3.In the affidavit filed in support of this Writ Petition, it had been stated that O.S.No.112 of 2009 had been filed seeking a declaration that a partition deed, which had been executed by the defendant and his family members is null and void. But after written statement had been filed, the plaintiff had filed a memo and the suit was dismissed as withdrawn.

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4.That decree does not give any enforceable right. The fact remains that the plaintiff had affirmed that the partition deed is valid, lawful and binding.

5.The decree need not be registered. The reason given by the Sub Registrar that it was presented beyond the period of limitation is wrong, since a circular itself had issued by the Registration Department in Na.Ka.No.34930/31/2019, dated 27.02.2023 that there cannot be a time frame fixed for registration of a decree. In this case, no right flowed to the plaintiff. As a matter of fact, the plaintiff has withdrawn the suit and the matter rests at that. The decree is not an enforceable decree and therefore, cannot be registered, but the right of the petitioner herein always stands and abides by whatever had been created in the partition deed.

6.The Writ Petition stands disposed of. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

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To

- 1.The District Registrar,
Palani, Dindigul District.
- 2.The Sub Registrar,
Ottanchathiram, Dindigul District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
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