



WEB COPY



WP.No.9825 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9825 of 2024
and W.M.P.No.10852 of 2024

M.Subramanian

.. Petitioner

Versus

1.The District Registrar
Salem, Salem District

2.The Sub Registrar
Omalur, Omalur Taluk
Salem District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the refusal checkslip dated 01.03.2024 in Pro.No.RFL/Omalur/16/2024 passed by the 2nd respondent, quash the same and consequently direct the 2nd respondent to register the final decree passed in O.S.No.25 of 2023 dated 24.04.2023.

For Petitioner : Mr.M.Elango
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Challenging the refusal slip issued by the second respondent in registering the decree of partition passed in O.S.No.25 of 2023 dated 24.04.2023 on the ground that the property stands in the name of one C.



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Vedavalli.

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2. Heard both sides and perused the materials placed on record.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. On perusal of the records, the checkslip is issued mainly on the ground that one C.Vedavalli purchased the property in the year 1990. Therefore, the decree cannot be registered. It is relevant to note that originally the said C.Vedavalli filed a suit in O.S.No.53 of 2005 on the file of the Subordinate Judge Court, Mettur to cancel the decree in O.S.No.739/1990 on the file of the District Munsif Court, Mettur. The said suit was dismissed vide decree and judgment dated 21.02.2011. Challenging the same, she has filed an appeal in A.S.No.76/2012 on the file of II Additional District Judge, Salem which had also confirmed the decree of the trial Court and held that the plaintiff has not derived any title on the basis of the sale made in her favour by one Kanagasundaram and others.



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5. Such view of the matter, when the Civil Court has held that the sale in favour of one C.Vedavalli did not convey any title to her and the suit filed by her was also dismissed, merely, on the basis of the entry in the encumbrance, the same cannot be a ground to refuse the registration of the decree.

6. Accordingly, the impugned order is set aside and there shall be a direction to the second respondent to register the final decree passed in O.S.No.25 of 2023 dated 24.04.2023 presented by the petitioner. Such exercise shall be completed within a period of 15 days from the date of receipt of a copy of this Order.

7. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition stands closed. No costs.

12.04.2024

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

dhk

To,

1.The District Registrar
Salem, Salem District

2.The Sub Registrar
Omalur, Omalur Taluk
Salem District

W.P.No.9825 of 2024

12.04.2024