



WEB COPY



WP.No.11479 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11479 of 2024

Minor Manisha Devi

Rep. by her natural guardian and mother

Sivasankari

.. Petitioner

Versus

1. The District Registrar-Administration,
District Registrar Office,
Cuddalore District.

2. The Sub Registrar,
Vadalur Sub Registrar Office,
Cuddalore 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 pertaining to the impugned letter of the 2nd respondent issued vide his letter in Na.Ka.No.770/2023 dated 27.12.2023 and quash the same and consequently, direct the 2nd respondent to register the preliminary decree dated 21.02.2023 passed by the learned Sub-Court, Neyveli, Cuddalore District in O.S.No.70 of 2020, which was presented by me.



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For Petitioner : Mr.M.Vijaya Ragavan
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed calling for the records pertaining to the impugned letter of the 2nd respondent issued vide his letter in Na.Ka.No.770/2023 dated 27.12.2023 and quash the same and consequently, direct the 2nd respondent to register the preliminary decree dated 21.02.2023 passed by the learned Sub-Court, Neyveli, Cuddalore District in O.S.No.70 of 2020.

3. It is the case of the petitioner that one Sivasankari has filed a suit for partition on behalf of her minor daughter/petitioner before the learned Sub-Court, Neyveli in O.S.No.70 of 2020, in which a preliminary decree was passed on 21.02.2023, granting 1/8th share in the suit property. Thereafter, she has presented the certified copy of the preliminary decree of the above said suit for registration before the 2nd respondent. It is the grievance of the



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petitioner that since the 2nd respondent orally refused to register the preliminary decree, she sent a notice dated 07.12.2023 through her counsel to the respondents herein, for which the 2nd respondent sent a refusal letter vide his impugned letter in Na.Ka.No.770/2023 dated 27.12.2023 stating that as per Section 23 of the Registration Act, 1908, only final decree can be registered and not the preliminary decree. The petitioner has come out with this Writ Petition challenging the same.

4. Heard learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. From the materials on record it is seen that the 2nd respondent has issued a letter dated 27.12.2023 indicating that only final decree will be registered and not a preliminary decree. The learned Additional Government Pleader appearing for the respondents, on instructions, undertakes that if the preliminary decree is presented now, they will register the same as per law. In such view of the matter, the impugned letter in Na.Ka.No.770/2023 dated 27.12.2023 stands quashed and the petitioner is directed to present the preliminary decree of the order in O.S.No.70 of 2020 dated 21.02.2023 within



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a period of a week from the date of receipt of a copy of this order, after which
the same shall be registered by the concerned official within a week.

With the above direction, the Writ Petition is allowed. No costs.

26.04.2024

gsa

Index : Yes/No

Internet : Yes/No

To,

1. The District Registrar-Administration,
District Registrar Office,
Cuddalore District.
2. The Sub Registrar,
Vadalur Sub Registrar Office,
Cuddalore District.



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N. SATHISH KUMAR, J.

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