



WEB COPY

W.P.No.20647 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.20647 of 2024

1.S.Manimegalai
2.S.Permakumari
3.S.Chandrasekari

...

Petitioners

versus

1.The District Registrar,
Chennai.

2.The Sub Registrar,
Royapuram Chennai.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to receive the final decree dated 10.10.2017 passed in I.A.No.484 of 2016 in O.S.No.5938 of 2013 on the file of the VII Assistant City Civil Court, Chennai.

For Petitioners : Mr.R.Ezhilarasan

For Respondents : Mr.M.Shajahan
Special Government Pleader

ORDER



By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

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2. This Writ Petition has been filed to direct the respondents to register the final decree dated 10.10.2017 passed in I.A.No.484 of 2016 in O.S.No.5938 of 2013 on the file of the VII Assistant City Civil Court, Chennai.

3. Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents and perused the materials available on record.

4. It is the case of the writ petitioners that they filed a suit for partition in O.S.No.5938 of 2013 and a preliminary decree has been passed, in pursuant to the same, the final decree also passed. When the final decree was presented for registration, the same has been refused to register on the ground that the revenue records are not tallied with an extent. Hence, the present writ petition.

5. At the outset, this Court is of the view that several orders had been passed by this Court. One such case is ***Subramani Vs. The Sub-***



Registrar in W.P.No.11056 of 2024 dated 26.04.2024. It is not for the Sub-

Registrar to go into the validity of the decree, it is for him to register the decree whenever presented by the parties. The Sub-Registrar cannot sit as an appellate court to test the veracity of the decree.

6. Accordingly, this Writ Petition is allowed and the respondents are directed to register the final decree dated 10.10.2017 passed in I.A.No.484 of 2016 in O.S.No.5938 of 2013 on the file of the VII Assistant City Civil Court, Chennai, within a period of one week from the date of receipt of a copy of this order. No costs.

29.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

sri

To

1.The District Registrar,
Chennai.

2.The Sub Registrar,
Royapuram Chennai.

W.P.No.20647 of 2024

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