



WEB COPY



W.P.No.33241 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.33241 of 2024**

Mr.Viswanathan

... Petitioner

**Vs.**

1.The Inspector General Of Registration  
100, Santhome High Road,  
Chennai-28.

2.The Sub Registrar,  
Office Of Sub Registrar,  
Sivagiri, Erode.

...Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for records with regard to the impugned refusal check slip bearing No. RFL / SIVAGIRI /ERODE / 90/ 2023 dated 11.10.2023 issued by Sub- Registrar Sivagiri, Erode (2nd respondent ) and quash the same and consequently direct the 2nd respondent to register the preliminary decree passed in O.S. No. 388/ 2009 by the Honble Subordinate Judge of Erode.



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For Petitioner : M/s.S.K.D.Rajasekar

For Respondents : M/s.C.Meera Arumugam, AGP  
for respondents 1 & 2.

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### **ORDER**

The writ petition is filed challenging the refusal check slip issued by the 2nd respondent in and by which the 2nd respondent had refused to register the preliminary decree stating that a preliminary decree cannot be registered.

2. The learned counsel for the petitioner would submit that the final decree proceedings have been filed in I.A.No.6 of 2023 in O.S.No.388 of 2009, on the file of the I Additional Sub Judge, Erode and the same is pending before the said Court. The petitioner is constrained to register the preliminary decree since the other co-owners were attempting to sell the subject property. Therefore, with a view to keeping the general public informed about the preliminary decree, it was sought to be registered on the file of the 2nd respondent, which has now been refused.



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3. Heard the counsels on either side.

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4. The apprehensions and the reasons given for seeking to register the preliminary decree appears to be reasonable and that apart the 2nd respondent cannot refuse to register the said document which is the certified Court document. The preliminary decree is also sought to be registered in order to keep the general public aware that there are other owners of the property and that it is only a preliminary decree that has been passed.

5. Considering the above, the Writ Petition is allowed and the impugned order is set aside. The 2nd respondent is directed to register the preliminary decree passed in O.S.No.388/2009 within a period of 2 weeks from the date of its representation by the petitioner. No costs.

**26.11.2024**

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To



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**P.T. ASHA. J.,**



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