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W.P.No.35711 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.35711 of 2024

R.Karunanithi

... Petitioner

Vs.

The Sub Registrar,
Sub-Registrar Office,
Royapuram,
T.H.Road,
Chennai – 600 021.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records in RFL/Royapuram/250/2024 dated 12.11.2024 on the file of SRO Royapuram Chennai and to quash the order of refusal to register the decree dated 30.08.2024 in O.S.No.2225 of 2022 on the file XXIV Assistant City Civil Court at Chennai and to direct the respondent to register the decree dated 30.08.2024 in O.S.No.2225 of 2022 on the file of XXIV Assistant City Civil Court at Chennai.

For Petitioner : Dr.G.Krishnamurthy

For Respondent : Mr.C.Meera Arumugham
Additional Government Pleader



W.P.No.35711 of 2024

WEB COPY

ORDER

M/s.C.Meera Arumugham, learned Additional Government Pleader takes notice on behalf of the Respondent.

2. This Writ Petition has been filed for a Certiorarified Mandamus to call for the records in RFL/Royapuram/250/2024 dated 12.11.2024 on the file of SRO Royapuram Chennai and to quash the order of refusal to register the decree dated 30.08.2024 in O.S.No.2225 of 2022 on the file XXIV Assistant City Civil Court at Chennai and to direct the respondent to register the decree dated 30.08.2024 in O.S.No.2225 of 2022 on the file of XXIV Assistant City Civil Court at Chennai.

3. It is the case of the Petitioner that the subject property measuring 720 sq.ft. as per Title Deed and 520 sq.ft. on site is situate at No.4/26, Kalingarayan 1st Street, Old Washermenpet, Chennai – 600 021. This property belonged to one Lourdu Swamy. Lourdu Swamy sold the property to one George under registered Sale Deed dated 22.07.1953. The said George has demolished and constructed a new house and was enjoying the same till he sold the property to one S.Venketesan under a Sale Deed dated



W.P.No.35711 of 2024

22.11.1959. The said Venketesan and his minor children had sold the property to one Malaïammal, the Petitioner's mother. The Petitioner's mother and his father Paneer Selvam had two sons and three daughters. The older son died on 14.11.2018, leaving behind his wife Vimala, and his daughter Vamitha and his son Promoth Kumar. The Petitioner's father died in the year 2006. The older son Mr.Sampath Kumar had left the parental home and was living separately with his family members. The Petitioner is managing the entire property as his mother had become indisposed and therefore, the property in question was settled in favour of the Petitioner under a registered Sale Deed dated 26.07.2010. The Petitioner's father had purchased other properties which was settled on the Petitioner's elder brother Mr.Sampath Kumar. The Petitioner would submit that he had approached the Tahsildar to issue Patta and the same was returned stating that the property belongs to Tamil Nadu Slum Clearance Board. The Petitioner's mother had approached the Tamil Nadu Slum Clearance Board to issue a NOC (No Objection Certificate) and the Board had issued a letter dated 23.12.2008 stating they have nothing to do with the property as it does not fall under the Scheme. However, despite this the Tahsildar had refused to issue Patta to the Petitioner. The Petitioner was therefore, constrained to file suit in



W.P.No.35711 of 2024

O.S.No.2225 of 2022 on the file of XXIV Assistant City Civil Court, Chennai to declare that the Petitioner is the absolute owner of the subject property. The Suit was also decreed in his favour on 30.08.2024. It is this decree that was sought to be registered. However, the same was returned with a Refusal Check Slip stating that index not entered correctly. Therefore, the present writ petition.

4. The return made by the Respondent is a non speaking one and no reason for refusing to register the document in question has been given. The document in question is a decree passed by the Civil Court and none of the impediment as contemplated under Section 34 or Section 22(A) is present. Therefore, the Writ Petition is allowed. Accordingly, the Impugned Refusal Check Slip is set aside and the Mandamus is issued to the Respondent to register the decree dated 30.08.2024 in O.S.No.2225 of 2022 on the file of XXIV Assistant City Civil Court at Chennai within a period of two (2) weeks from the date of receipt of a copy of this Order. No costs.

02.12.2024

Index : Yes/No
Speaking/Non-speaking Order



W.P.No.35711 of 2024

Neutral Citation :Yes/No
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To

The Sub Registrar,
Sub-Registrar Office,
Royapuram,
T.H.Road,
Chennai – 600 021.



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W.P.No.35711 of 2024

P.T.ASHA, J.

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W.P.No.35711 of 2024

02.12.2024