



W.P(MD)No.20740 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20740 of 2023

Perummal

... Petitioner

Vs.

The Sub Registrar,
Udangudi, Thoothukudi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip issued by the respondent in RFL/Udangudi/35/2023, dated 28.07.2023 and quash the same as illegal and consequently, to direct the respondent to register the decree presented by the petitioner made in O.S.No.201 of 1998, dated 04.09.2001 passed by the learned Principal District Munsif, Tiruchendur.

For Petitioner : Mr.V.Angusamy

For Respondent : Mr.M.Siddharthan,

Additional Government Pleader

ORDER

Challenge has been made to the refusal check slip issued by the respondent dated 28.07.2023.



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2. According to the petitioner, the property in Survey No.219 at Ranganathapuram, Udangudi Village originally belonged to the grandfather of the petitioner, namely, Ramasamy. After his death, his four legal heirs were in joint possession and enjoyment of the same. The petitioner's father is also one of the legal heirs of the said Ramasamy. After the death of the legal heirs of the said Ramasamy, the petitioner and his brothers have filed a suit for partition in O.S.No.201 of 1998 on the file of the Principal District Munsif Court, Tiruchendur, which was decreed on 04.09.2001, holding that the plaintiffs are entitled to $\frac{3}{4}$ share and the defendants 1 and 2 are entitled to $\frac{1}{4}$ share in the property in question. As against which, no appeal has been filed. Therefore, when the petitioner presented the decree and judgment dated 04.09.2001 to register, the same was refused by the respondent on the ground that final decree has not been obtained and parent document has not been submitted. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3. At the outset, this Court is of the view that once the Court has determined the rights of the parties and preliminary decree has been passed, it is the duty of the Sub Registrar concerned to register the same, when it is presented for registration and he cannot compel the final decree. Therefore, the



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refusal made by the respondent cannot be sustained in the eye of law. Hence, the same is liable to be quashed, accordingly, it is quashed. This Writ Petition is allowed with a direction to the respondent to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

30.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

The Sub Registrar,
Udangudi, Thoothukudi District.



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N.SATHISH KUMAR, J

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