



W.P (MD).No.27458 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.27458 of 2024

R.Premavathy
Rep. by her power agent
J.Stephen,
S/o.Joseph

...Petitioner

Vs.

1.The District Registrar,
Trichirappalli District,
Cantonment,
Trichirappalli.

2.The Sub-Registrar,
Joint No.I Sub-Registrar's Office,
Trichirappalli District.

...Respondents

Prayer: Petition 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 refusal check slip passed by the second respondent herein dated 03.10.2024 in RFL/Joint No.I, Sub-Registrar Office, Trichy/146/2024 and quash the same and consequently direct the second respondent to register the final order passed by this court in C.R.P(MD)No.610 of 2022, dated 20.06.2024 assigned with TP/196631464/2024, which was presented by the petitioner in accordance with law, within the time frame fixed by this Court.



WEB COPY



W.P (MD).No.27458 of 2024

For Petitioner : Mr.K.S.Kathiravan
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent, dated 03.10.2024 thereby, refused to register the order passed by this Court in C.R.P(MD)No.610 of 2022, dated 20.06.2024.

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

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The property comprised in Survey No.4/2 (old Survey No.168 and 169) to an extent of 1.91 acre was purchased by the petitioner and her family members vide document No.3602/1996. Thereafter, the petitioner's father had sold his 1/6th share in favour of the petitioner's brother by the settlement deed, dated 29.06.2007. Accordingly, the property was sub-divided and the revenue records were mutated in their favour. While being so, the petitioner's sister also had settled her 1/6th share of the subject property in favour of the petitioner's father by the registered settlement deed, dated 21.06.2013. Thereafter, the



W.P (MD).No.27458 of 2024

National Highways sought to be acquired portion of the land and the same was challenged before this Court. Subsequently, the petitioner and her family members came to understand that 12.21 cents comprised in T.S.No.5/1, 5/25 to 5/33 are claimed by one Kandhasamy by sub-division. Therefore, the petitioner and her family members filed a suit in O.S.No.228 of 2009, on the file of the III Additional District Munsif, Trichy for declaration. Further, the said plaint was struck off and it is confirmed by the Hon'ble Supreme Court of India with liberty to avail remedies under law. Therefore, the petitioner's father once again filed another suit in O.S.No.379 of 2021, on the file of the I Additional District Court, Trichirappalli. While being so, the said Kandhasamy filed a Civil Revision Petition in C.R.P(MD)No.610 of 2022 to strike off the plaint in O.S.No.379 of 2021 and the same was dismissed by this Court by an order dated 20.06.2024 and thereby, directed the defendants viz., the said Kandhasamy to file appropriate application under Order VII Rule 11 of CPC before the I Additional District Court, Trichy. The petitioner, who is one of the defendant in the suit filed by her father, presented the order passed by this Court for registration. However, it was rejected on the ground that it is not a final order passed by the trial Court.

5. Section 89 of the Tamil Nadu Registration Act says about under what circumstances the order of Court can be recorded in the book of records.



W.P. (MD).No.27458 of 2024

6. On perusal of the order passed by this Court in C.R.P(MD)No.610 of 2022 filed by one of the defendant in the suit filed by the petitioner's father to strike of the plaint and the same was dismissed by this Court and directed the one of the defendant to file an application under Order VII and Rule 11 of CPC to reject the plaint. Therefore, it would not give any right over the property to record the order in the book of records in respect of the subject property.

7. In view of the above, recording the order in the book of records would not serve any purpose in respect of the subject property. Therefore, the second respondent has rightly rejected and issued the refusal check slip and hence, this Court finds no infirmity or illegality in the order passed by the second respondent and this writ petition is devoid of merits and it is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

18.11.2024



W.P (MD).No.27458 of 2024

WEB COPY

To

- 1.The District Registrar,
Trichirappalli District,
Cantonment,
Trichirappalli.
- 2.The Sub-Registrar,
Joint No.I Sub-Registrar's Office,
Trichirappalli District.



WEB COPY



W.P (MD).No.27458 of 2024

G.K.ILANTHIRAIYAN, J.

am

W.P (MD).No.27458 of 2024

18.11.2024