



WEB COPY

W.P.No.2691 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2691 of 2025

T.Subathirai

... Petitioner

Vs

1.The District Registrar
Office of District Registrar
Tiruvannamalai
Tiruvannamalai District.

2.The Sub Registrar
Office of Sub Registrar
Polur
Tiruvannamalai District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to register the preliminary decree dated 22.12.2017 passed in O.S.No.33 of 2014 by the Sub Court, Arani, Tiruvannamalai District, on payment of necessary registration fee.

For Petitioner : Mr.E.Chandran

For Respondents : Mrs.C.Meera Arumugam
Additional Government Advocate
[R1 & R2]

**ORDER**

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This writ petition has been filed seeking a mandamus to the second respondent to register the preliminary decree dated 22.12.2017 passed in O.S.No.33 of 2014 by the Sub Court, Arani, Tiruvannamalai District, on payment of necessary registration fee

2. The petitioner as plaintiff had filed a suit for partition in O.S.No.33 of 2014 before the Sub Court, Arani. The fourth defendant therein did not file his written statement and an ex parte preliminary decree was passed on 22.12.2017 in favour of the petitioner. Thereafter, the petitioner filed a petition to pass a final decree. Pending the same, the suit in O.S.No.33 of 2014 was transferred to Sub Court, Polur. The fourth defendant had taken out an application to condone the delay in filing the written statement and the same was pending. In the meantime, the fourth defendant had fabricated the documents and sold the property to third parties, and subsequent patta transfer had been effected. Therefore, the petitioner had submitted a representation to the second respondent to stop further alienation in the suit property. This apart, the petitioner had made an application before the second respondent on 15.11.2024 and 19.11.2024

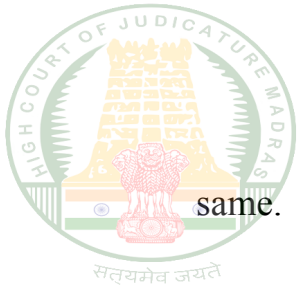


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to register the preliminary decree and paid necessary charges. The second respondent refused to register the preliminary decree on the ground that in a suit for partition, only the registration of final decree can be entertained. Hence, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Government Advocate for the respondents and perused the records.

4. In the instant case, the request of the petitioner to register a preliminary decree in O.S.No.33 of 2014 on the file of Sub Court, Arani, has been turned down by the second respondent on the ground that only a final decree can be registered. Such a stand taken is absolutely without any basis and further does not come within the remit of the second respondent's enquiry as contemplated under the Registration Act. The preliminary decree defines a person's right to the property and the final decree only qualifies his right by dividing the property into metes and bounds with specified boundaries. Therefore, the contention of the second respondent that only a final decree can be registered is without any basis since the intention of registering the decree is to avoid innocent purchasers from purchasing the property, totally unaware of the petitioner's right over the



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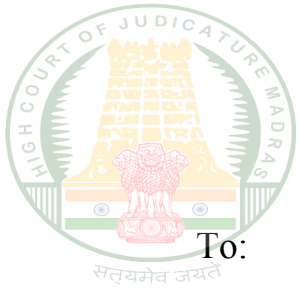
same.

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5. Therefore, the writ petition is allowed and a direction is issued to the second respondent to register the preliminary decree within a period of two weeks from the date of its presentation. No costs.

31.01.2025

Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No
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To:

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Office of District Registrar
Tiruvannamalai
Tiruvannamalai District.

2. The Sub Registrar
Office of Sub Registrar
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P.T. ASHA. J.,

ds

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