



W.P.No.3827 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.3827 of 2024

Lingeshwari

... Petitioner

Vs.

1.The Sub Registrar
Sivagiri, Erode District.

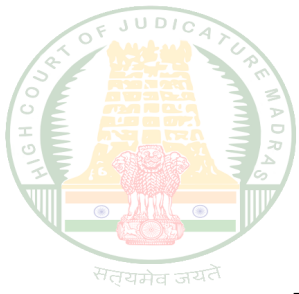
2.The Assistant Commissioner,
HR And CE, Erode District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records relating to the order in P.D. No.P05/2023 dated 25.01.2024 on the file of the 1st respondent quash the same and direct the 1st respondent to register the civil court decree passed in O.S. No.688 of 2022 dated 16.11.2022 on the file of the Principal District Judge, Erode .

For Petitioner : M/s.V.Elangovan

For Respondents : M/s.C.Sathish, Govt. Advocate
for R.1
: M/s.K.Karthikeyan, Govt. Advocate
(HR & CE) for R.2



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ORDER

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The Writ Petition is filed for the following reliefs:-

" Calling for the records relating to the order in P.D.No.P05/2023 dated 25.01.2024 on the file of the 1st respondent quash the same and direct the 1st respondent to register the civil court decree passed in O.S. No.688 of 2022 dated 16.11.2022 on the file of the Principal District Judge, Erode ."

2. Aggrieved by the fact that the petitioner's decree in suit O.S.No.688 of 2022 had been refused to be registered by the 1st respondent on the ground that the petitioner has not produced any document to show that the property does not belong to the 2nd respondent, the petitioner is before this Court.

3. Heard the counsels on either side.

4. In light of the fact that the subject property has been in the possession of the petitioner and there are Civil Court decrees recognizing her rights as well as an extract from the Town Survey Land Register describing the property as a Ryotwari site and showing that it belongs to the petitioner's husband, his father and others, the 1st respondent is bound



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to register the Civil Court decree passed in O.S.No.688 of 2022 dated 16.11.2022. Further, the 2nd respondent has not produced any document whatsoever to show their right or enjoyment to the subject property and it is not for the petitioner to prove the negative i.e; the property does not belong to the 2nd respondent.

5. In view of the above, the Writ Petition is allowed. The impugned order passed by the 1st respondent dated 25.01.2024 is quashed. The 1st respondent is directed to register the Civil Court decree passed in O.S.No.688 of 2022 dated 16.11.2022, on the file of the Principal District Judge, Erode, within a period of 2 weeks from the date of its representation by the petitioner. No costs.

06.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To



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1.The Sub Registrar
Sivagiri, Erode District.

2.The Assistant Commissioner,
HR And CE, Erode District.

P.T. ASHA. J.,

(shr)



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