



Writ Petition No.8753 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.8753 of 2025

Elumalai
S/o.Veerappan

... Petitioner

Vs.

The Sub Registrar,
Thiruvannainallur.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for records on the file of the respondent in proceedings RFL/Thiruvannainallur/22/2025 dated 13.02.2025 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the decree in O.S.No.186/2015 on the file of the Principal District Munsif Court, Ulundurpet dated 21.02.2016.

For Petitioner : Ms.R.Poornima

For Respondent : Mr.U.Baranidharan
Special Government Pleader

ORDER



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This writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 13.02.2025 and for a direction to the respondent to register the decree passed in O.S.No.186 of 2015, dated 21.02.2016, on the file of Principal District Munsif, Ulundurpet.

2. Heard Ms.R.Poornima, learned counsel for petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for respondent.

3. The respondent has issued the refusal check slip mainly on the ground that a suit was filed in O.S.No.422 of 2023 and it is pending and that the decree passed in O.S.No.186 of 2015 is an *ex parte* decree and therefore, it cannot be entertained. In the considered view of this Court, the decree passed in O.S.No.186 of 2015 ultimately resulted in execution of the decree in E.P.No.67 of 2017 and the delivery was also effected and the execution petition was closed. Thereafter, patta was also issued in the name of the petitioner in Patta Nos.2245, 2246 and 2248. It is now too well settled that even an *ex parte* decree is as much as a decree passed after contest. That apart, the decree had reached the logical



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conclusion by execution of the same and by effecting delivery of possession of the property. Therefore, the respondent cannot refuse to register the decree passed in O.S.No.186 of 2015 just because another suit has been filed and it is pending.

4. In the light of the above discussion, the impugned refusal check slip issued by the respondent dated 13.02.2025 is hereby quashed and there shall be a direction to the respondent to register the decree passed in O.S.No.186 of 2015 dated 21.02.2016, provided the petitioner pays the necessary stamp duty.

In the result, this writ petition is allowed with the above direction. No costs.

18.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To
The Sub Registrar,
Thiruvannainallur.

N.ANAND VENKATESH, J

gm



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