

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.17672 of 2017
and W.M.P.No.19177 of 2017

P.Saravanan

... Petitioner

Vs.

The Joint-II Sub Registrar
Namakkal.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records of the impugned proceeding in Check Slip No.5/2017 dated 02.06.2017 passed by the respondent, quash the same and further direct the respondent to registrar the Judgment and Decree passed by the Learned Principal District Munsif, Namakkal made in O.S.No.443 of 2012 dated 14.02.2017.

For Petitioner : Mr.I.Abbar Md Abdullah
For Respondents : Mr.R.Rajeshwaran
Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the record of the impugned proceeding in Check Slip dated 02.06.2017 passed by the respondent, to quash the same and further direct the respondent to registrar the Judgment and Decree passed by the Principal District Munsif, Namakkal made in O.S.No.443 of 2012, dated 14.02.2017.

2. By the impugned order dated 02.06.2017, the respondent refused to register the Judgment and Decree passed by the Principal District Munsif, Namakkal in O.S.No.443 of 2012 stating that the Trial Court has dismissed the suit in respect of the relief of mandatory injunction.

3. The respondent has no jurisdiction to reject the Judgment and Decree irrespective of the result of the suit. Merely because the suit was dismissed, that doesn't mean that the respondent is not duty bound to register the document. It is for the petitioner to decide as to the

registration of the document. Therefore, the impugned order passed by the respondent is not sustainable.

4. Mr.R.Rajeswaran, learned Special Government Pleader, taking notice for the respondent submitted that the impugned order passed by the respondent can be set aside and the respondent may be directed to register the Judgment and Decree passed in O.S.No.443 of 2012.

5. For the reasons stated above, the impugned order dated 02.06.2017 is set aside and the respondent is directed to registrar the Judgment and Decree passed in O.S.No.443 of 2012 on the file of Principal District Munsif Court, Namakkal .

With these observations, the Writ Petition is allowed . No costs. Consequently, connected Miscellaneous is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

Rj/gmd

To

1. The Joint-II Sub Registrar
Namakkal.
2. The Principal District Munsif
Namakkal.

+1 Cc to Mr.I.Abbar Md Abdullah, Advocate sr 49537
+1 CC to Govt. Pleader sr 49696

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SJ(CO)
SP(29/07/2017)