



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.8.2021.

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.9623 of 2021

and

W.M.P.No.16175 of 2021

Vanaja

Petitioner

vs.

The Sub Registrar,
Office of the Sub Registrar,
9/60, Trichy Main Road,
RSV Thottam, Seelanaickenpatti,
Dadagapatty, Salem East 636 006.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of certiorarified mandamus to call for the records quashing the refusal check slip dated 29.6.2021 issued by the respondent and consequently directing the respondent to register the decree dated 11.7.2019 made in O.S.No.252 of 2013 on the file of the Principal District Judge, Salem.

[Prayer amended vide order dated 11.08.2021 made in W.M.P.No.16175 of 2021 in W.P.No.9623 of 2021]

For Petitioner : Mr.T.S.Vijayaraghavan

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate

ORDER

The writ petition was originally filed seeking a mandamus to the respondent/Sub Registrar, Seelanaickenpatty in Salem District to receive and register the decree dated 11.7.2019 in O.S.No.252 of 2013 passed by the Principal District Court at Salem.



2. The said suit was filed seeking specific performance and the same has been dismissed. The writ petitioner herein, who was interested in getting the decree registered, presented it for registration, but, the Sub Registrar had refused to even receive the said document necessitating the filing of the present writ petition in W.P.No.9623 of 2021 seeking for a mandamus.

3. Pending the writ petition, the writ petitioner appears to have applied online for presenting the very same decree for registration and it was also accepted, but, the Sub Registrar returned and refused to register by issuing a check slip stating that the decree had not attained finality.

4. Questioning that particular order viz., check slip, W.M.P.No.16175 of 2021 had been filed seeking a direction to convert the writ petition to a writ of certiorarified mandamus questioning that check slip.

5. Heard Mr.T.S.Vijayaraghavan, learned counsel for the petitioner and Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondent.

6. In order to avoid a situation where the petitioner will have to run from pillar to post by filing a separate writ petition, W.M.P.No.16175 of 2021 is taken on Board and is hereby ordered and thereby the writ petition is converted into one of writ of certiorarified mandamus. The Registry is directed to carry out necessary amendment in the relief column in the writ petition.

7. Now, while examining the Check Slip, by which the document presented for registration of decree in O.S.No.252 of 2013 had been returned or refused to be registered, the Sub Registrar has to only make sure that the decree presented for registration had attained finality and for that the Sub Registrar may take course to such a procedure and which is also in the Registration Rules and call upon the writ petitioner to file necessary Affidavit stating that the decree had attained finality and no further petitions are pending pursuant to the decree in the said suit O.S.No.252 of 2013 dated 11.7.2019. When such declaration is made, if the decree is, otherwise, in order, without insisting on the point of limitation, the Registrar shall receive the decree and register the same in



accordance with the rules governing the registration of documents. The check slip issued by the Sub Registrar is interfered with and set aside. The writ petition is allowed. No order as to cost.

WEB COPY

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

ssk.

To

The Sub Registrar,
Office of the Sub Registrar,
9/60, Trichy Main Road,
RSV Thottam, Seelanaickenpatti,
Dadagapatty, Salem East 636 006.

+1cc to Mr.T.S.Vijaya Raghavan, Advocate, S.R.No.39856

+1cc to the Government Pleader, S.R.No.40414

W.P.No.9623 of 2021
and
W.M.P.No.16175 of 2021

PM(CO)
SU(17/09/2021)