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W.P. No.26427 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.26427 of 2022

M/s Alangayan Steels Ltd.,
Represented by its Managing Director
P.Chandran
S/o late Peddappu,
No.40/1, 4th Street,
Sakthi Nagar, Tirupathur,
Vellore District

... Petitioner

Vs.

The Sub Registrar,
Registration Department,
Vaniyambadi,
Vellore District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned 'Refusal Check slip' in RFL/Vaniyambadi/53/2022 dated 16.09.2022 on the file of the Respondent herein, quash the same and consequently direct the Respondent herein to register the order dated 18.07.2022 passed in W.P.No.29673 of 2017 on the file of the Hon'ble High Court and pass orders.

For Petitioners : Mr.K. Govi Ganesan

For Respondent : Mr.C. Kathiravan
Special Government Pleader



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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned 'Refusal Check slip' in RFL/Vaniyambadi/53/2022 dated 16.09.2022 on the file of the Respondent herein, quash the same and consequently direct the Respondent herein to register the order dated 18.07.2022 passed in W.P.No.29673 of 2017 on the file of the Hon'ble High Court

2. Mr.C. Kathiravan, learned Special Government Pleader takes notice for the respondent. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this Writ Petition itself is taken up for final disposal.

3. The case of the petitioner/company is that they have purchased a land measuring 0.75 cents in S.F.No.322/2C situated at Alangayam from one Krishnan and two others and the same was registered on 28.10.2004 as Doc.No.3727 of 2004 in Sub Registrar Office, Vaniyambadi. Thereafter the petitioner/company filed an application to obtain encumbrance certificate for the purpose of getting financial Assistance/ Loan then it came to light that



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the said Krishnan and 2 others have canceled the above sale deed vide cancellation deed dated 21.12.2005 and the same was registered as Doc.No.4434 of 2005, as result of which the subject property was under Encumbrance. Hence the petitioner has filed W.P.No.29673 of 2017 before this Court challenging the alleged cancellation of sale deed and this Court by an order dated 18.07.2022 allowed the writ petition and the impugned cancellation of sale deed is quashed. Hence the petitioner produced the order copy passed in W.P.No.29673 of 2017 on 18.07.2022 for canceling the alleged cancellation of sale deed, the same was refused by the respondent. Challenging the same, the petitioner had filed the present Writ Petition.

4. The learned counsel for the petitioner submits though the petitioner presented the order passed in W.P.No.29673 of 2017 was rejected to be refused by the Sub-Registrar on the ground that the Court Order is not compulsory registrable under Section 17 A and 17B of the Registration Act. Hence prays this Court for appropriate orders.

5. Heard both sides and perused the materials available on record.



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6. It is not in dispute that this Court, vide order dated 18.07.2022 in W.P.No.29673 of 2017 had quashed the sale deed and the said order was presented by the petitioner before the respondents for registration u/s 23 of the Act, but the same was refused to be registered by the respondent on the ground that the said document is not coming within the purview of compulsorily registrable document u/s 17-A and 17-B of the Act and, therefore, the request was rejected.

7. It is to be pointed out that any order or decree passed by the competent judicial forum is a document, which is registrable document u/s 23 of the Act. Merely because the said document does not find a place under the compulsorily registrable document under Section 17-A and 17-B of the Act, that would not be a bar for the Sub Registrar to entertain the said document for registration. All the orders and decrees of the competent judicial forum are registrable document u/s 23 of the Registration Act. The order of this Court is registrable document, which the respondent is bound to register.



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8. For the aforesaid reason, this writ petition is allowed and the respondent is directed to entertain the said order u/s 23 of the Registration Act if there is no other impediment for registration. There shall be no order as to costs.

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Index : Yes / No
Speaking order : Yes/ No
smn

To
The Sub Registrar,
Registration Department,
Vaniyambadi,
Vellore District.

M.DHANDAPANI, J.



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