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WP.No.3472 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

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**THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR**

WP.No.3472 of 2023

Mumtaj Begam

.. Petitioner

Versus

The Sub Registrar  
Sub Registrar's Office  
Royapuram  
Chennai - 13.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication vide No.231/2022 dated 20.10.2022 issued by the respondent and quash the same and consequentially direct the respondent to accept the certified copy of the decree passed in A.S.No.612 of 2016 on the file of the Hon'ble High Court of Madras dated 07.03.2022 presented by the petitioner for registration and register the same.

For Petitioner : Mr.K.R.Samratt  
For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader

**ORDER**

This writ petition is filed challenging the communication vide No.231/2022 dated 20.10.2022 issued by the respondent, quash the same and consequently direct the respondent to accept the Certified Copy of the Decree passed in A.S.No.612 of 2016 on the file of this Court vide Order dated



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07.03.2022 presented by the petitioner for registration and register the same.

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2. It is the case of the petitioner that originally there was a suit between the petitioner, vendor and his predecessors in title. Though the suit was decreed in favour of the predecessor in title which was set aside in appeal by this Court in in A.S.No.612 of 2016 vide Order dated 07.03.2022. The predecessor in title has registered only the Trial Court Decree, whereas, the same has been set aside by this Court in the above appeal suit. The petitioner being the subsequent purchaser has presented the document, particularly, the appellate decree for registration, however, the same has been refused on the ground that only the person executing or claiming the document can present the document under Section 32 of the Registration Act, 1908.

3. Heard the learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader taking notice for the respondent and perused the materials placed on record.

4. At the outset, this Court is of the view that this Order is nothing but non application of mind and the same has been mechanically passed. When Section 32 of the Registration Act permits the person executing or claiming



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such document can present the document. The petitioner, being the subsequent purchaser, who has stepped into the shoes of the vendors, has in fact succeeded in the appeal. Such being the position, the document cannot be refused to be registered.

5. Such view of the matter, the impugned communication in No.231/2022 dated 20.10.2022 issued by the respondent is hereby set aside and this Court directs the respondent/Sub-Registrar to entertain the Certified Copy of the Decree passed in A.S.No.612 of 2016 on the file of this Court vide Order dated 07.03.2022 presented by the petitioner, if it is otherwise in order after remitting the requisite statutory fees.

6. Accordingly, this writ petition stands allowed. No costs.

08.02.2023

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|------------------|----------|
| Index            | : Yes/No |
| Internet         | : Yes/No |
| Speaking Order   | : Yes/No |
| Neutral Citation | : Yes/No |



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**N.SATHISH KUMAR, J.**

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To

The Sub Registrar  
Sub Registrar's Office  
Royapuram  
Chennai – 13

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08.02.2023