



W.P.No.6104 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

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Sivakumar

... Petitioner

Vs

The Sub Registrar,
Sathyamangalam Sub Registrar Office,
Erode District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to quash the impugned refusal Check Slip dated 15.07.2022 in RFL/Sathyamangalam/71/2022 and consequently direct the respondent to register the order, judgment and Decree dated 13.09.2021 made in I.A.No.2 of 2021 in O.S.No.20 of 2005 on the file of Subordinate Judge, Gobichettipalayam, Erode District.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to quash the impugned refusal Check Slip dated 15.07.2022 in RFL/Sathyamangalam/71/2022 and consequently direct the respondent to



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register the order, judgment and decree dated 13.09.2021 made in I.A.No.2 of 2021 in O.S.No.20 of 2005 on the file of Subordinate Judge, Gobichettipalayam, Erode District.

2. The petitioner presented a judgment and decree dated 13.09.2021 made in I.A.No.2 of 2021 in O.S.No.20 of 2005 on the file of the Subordinate Judge, Gobichettipalayam, Erode District for registering the same at the Office of the respondent, who on receipt of the same, has rejected the said request of the petitioner through the impugned refusal Check Slip dated 15.07.2022 on the ground of delay by citing Section 23 and 25 of the Registration Act, 1908 (wrongly quoted as Section 23 and 25 of the Indian Stamp Act), challenging the same, the present writ petition has been filed.

3. The issue raised in this writ petition is no more *res integra* as a detailed order repeatedly have been passed many occasions by this Court and pursuant to the orders passed by this Court, the Inspector General of Registration has issued a circular dated 27.02.2023 and this has also been taken note of by this Court and a batch of writ petition has been disposed in



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W.P.No.33166 of 2022 etc. batch dated 27.02.2023. In view of the said legal position, the impugned reason stated by the respondent would not stand in the legal scrutiny, accordingly the following orders are passed in this writ petition:

That the impugned order is set aside. The matter is remitted back to the respondent for reconsideration. Without insisting upon the reason stated in the impugned communication, the respondent shall decide to register the Court decree and judgment presented by the petitioner and needful shall be undertaken by the respondent within a period of four weeks from the date of receipt of a copy of this order.

4. With this direction, this Writ Petition is disposed of. No costs.

01.03.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl
To
The Sub Registrar,
Sathyamangalam Sub Registrar Office,
Erode District.



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R.SURESH KUMAR, J.

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