



WEB COPY

WP No.11108 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.11108 of 2023

S.Mohammed Sultan

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Adyar,
Chennai-600 020.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to release the Registered Court Decree in pending Document No.P-121 of 2022 dated 22.07.2022 to the petitioner.

For Petitioner : Ms.A.Sajidha Meera Rumana

For Respondent : Mr.G.Krishna Raja,
Additional Government Pleader.



ORDER

The writ on hand has been instituted to release the registered Civil Court decree kept as pending document No.P-121 of 2022 dated 22.07.2022, which is under challenge in the present writ petition.

2. The petitioner presented the Civil Court decree for registration before the respondent. The document was registered by the respondent, but not released on the ground that the Civil Court decree presented by the petitioner was an ex parte decree.

3. The Registering Authority is not empowered to analyse the nature of the decree passed by the Civil Court. Whether it is an ex parte decree or on merits, is not within the purview of the Registering Authority and more-so, beyond the scope of the provisions of the Registration Act, 1908. Once the decree of the Civil Court has been presented for registration by following the procedures as contemplated under the provisions of the Registration Act, 1908, the Registering Authority is bound to register and after registration, release the document as contemplated under the



provisions of the Registration Act, 1908.

WEB COPY

4. This being the principles to be followed, the respondent has erroneously kept the document as pending document, which is not in consonance with the provisions of the Registration Act, 1908.

5. Accordingly, the respondent is directed to release the registered document by following the procedures as contemplated under the provisions of the Registration Act, 1908, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs.

19-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



WEB COPY

To

The Sub Registrar,
Sub Registrar Office,
Adyar,
Chennai-600 020.

WP No.11108 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 11108 of 2023

19-07-2023