



WEB COPY

W.P.No.15668 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15668 of 2023

Sivagami

... Petitioner

Vs.

The Sub Registrar Office,
Sulur, Coimbatore.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in refusal check slip in RFL / Sulur / 23 / 2023 dated 09.05.2023 and quash the same as illegal and direct the respondent to accept the fair and Decreetal order in I.A.No. 2 of 2021 dated 12.04.2023 along with the certified copy of the Complaint in O.S.No.802 of 2020 on the file of the I Additional Sub-Court, Coimbatore to register the same.

For Petitioner

: Mr.S.Kumaresan

For Respondent

: Mr.D.Ravichander
Special Government Pleader



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ORDER

The refusal check slip dated 09.05.2023 is under challenge in the present writ petition.

2. The petitioner presented the decree passed in I.A.No.2 of 2021 in O.S.No.802 of 2020 for registration. The Registering Authority refused to register on the ground that there is no schedule of property in the fair and decreetal order in I.A.No.2 of 2021 and accordingly issued the refusal check slip.

3. The learned counsel for the petitioner mainly contended that the petitioner has produced the copy of the plaint, which would be sufficient to establish the schedule of the property and therefore, the Registering Authority ought to have proceeded with the registration.

4. The learned Special Government Pleader appearing on behalf of the respondent raised an objection by stating that in the absence of schedule of property, the Registering Authority may not be in a position to register and such registration should be reflected in the Encumbrance Certificate and in



the absence of schedule of property, they cannot make entries in the Encumbrance Certificate. In this regard, the respondent had filed a counter as under:

“8. It is submitted that this respondent has no objection to register the said order dated 12.04.2023, if it is presented with the Schedule of properties in the order itself. The petitioner has to approach the appropriate court with necessary application to insert the Schedule of property but without doing so, the petitioner has straightaway approached this Hon'ble Court. On this ground alone, the above Writ Petition is liable to be dismissed. The other contentions raised by the petitioner have no merits and deserves no consideration and liable to be rejected.”

5. The reasons stated by the respondents are candid in view of the fact that schedule of property is essential for the purpose of registering a document and necessary entries are to be made in the encumbrance certificate. In the absence of schedule of property, the Registering Authority may not be in a position to identify the property and the very purpose of registration would be defeated.



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6. That being the factum, the petitioner is at liberty to produce the documents along with the schedule of property and in the event of production all such documents to the satisfaction of Registering Authority, the respondent shall proceed with the registration.

7. With this liberty, this Writ Petition stands disposed of. No costs.

05.07.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The Sub Registrar Office,
Sulur, Coimbatore.



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S.M.SUBRAMANIAM, J.

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