



WEB COPY

W.P.No.25078 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25078 of 2023

A.K.Murugesan

... Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Rasipuram,
Namakkal.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned refusal check slip in No.RFL/Rasipuram/78/2023, dated 19.04.2023, issued by the respondent herein and quash the same and further directing the respondent to register the said Judgement and decree in R.E.A.No.107 of 2008 in R.E.P.No.37 of 2005 in O.S.No.475 of 2002, dated 19.07.2012, which was presented on 19.04.2023.

For Petitioner : Mr.S.Saravanakumar

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



ORDER

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2. The petitioner states that he had presented a judgement and decree made in R.E.A.No.107 of 2008 in R.E.P.No.37 of 2005 in O.S.No.475 of 2002, for registration before the respondent on 19.04.2023. The respondent returned the document along with the impugned check slip by stating that as per the circular issued by the Inspector General of Registration, the judgement and decree cannot be registered. The circular issued by the Inspector General of Registration has been misinterpreted by the Sub Registrar, in the present case.

3. There is no impediment for registering the judgement and decree under the provisions of the Registration Act. More so, the respondent has not assigned the reasons in the impugned order and merely citing the circular issued by the Inspector General of Registration, the impugned order has been passed which cannot be sustained. Since there is no impediment for



registering the judgement and decree, the petitioner is entitled for the relief.

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4. Accordingly, the impugned refusal check slip issued by the respondent in proceedings No.RFL/Rasipuram/78/2023, dated 19.04.2023 is quashed. The respondent is directed to proceed with the registration by following the procedures and complete the same within a period of four (4) weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands allowed. No costs.

24.08.2023

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Index : Yes

Speaking order

To

The Sub Registrar,
Office of the Sub Registrar,
Rasipuram,
Namakkal.



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S.M.SUBRAMANIAM, J.

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