



W.P(MD)No.14723 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.14723 of 2023

and

W.M.P(MD)No.12424 of 2023

S.Elangovan

... Petitioner

Vs.

1.The District Registrar,
Karur District,
Karur.

2.The Sub-Registrar (Joint-II),
Karur,
Karur District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned check slip having Refusal Number RFL/I - Joint Sub-Registrar Karur/19/ 2023 dated 03.05.2023 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to register decree in O.S.No.227 of 2013 dated 27.03.2014 passed by the Principal Subordinate Judge, Karur relating to the property measuring to an extent of 2156 Sq.feet situated in Survey No.1420, having Door No.534 A/5 and Plot No.36,



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Sanapiratti Village, Karur Taluk, Karur District within reasonable time period fixed by this Court.

For Petitioner : M/s.V.Sukumar
Advocate.

For R1 and R2 : Mr.C.Satheesh
Government Advocate

ORDER

The Writ Petition has been filed in the nature of certiorarified mandamus seeking interference with the refusal check slip No.RFL/I - Joint Sub- Registrar Karur/19/ 2023 dated 03.05.2023, issued by the second respondent. The petitioner sought to register the decree in O.S.No.227/2013 dated 27.03.2014 passed by the Principal Sub Court at Karur, related to property measuring 2156 Sq.ft at Survey No.1420 in Door No.534 A/5 and plot No.36 at Sanapiratti Village, Karur Taluk, Karur District.

2. The petitioner had earlier filed Writ Petition in W.P(MD)No.8579 of 2023. By an order dated 17.04.2023, a direction was given to the respondent to register the decree when presented for registration. The present impugned refusal check slip has been issued on the ground that the decree is an exparte decree.



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3. It does not lie in the mouth of the Sub Registrar to examine whether the decree had been obtained, after the parties had entered appearance or was an exparte decree. That is the subject to satisfaction of the learned Special Judge who had passed the decree and the Sub Registrar may realise that he is not as on date, a judicial officer to contend so. He still remains the Sub Registrar. He has no authority to any judicial order. The other contention is that, the entry in the encumbrance about an auction and the name of the purchaser in the auction. In the decree, that particular auction has been set aside and the petitioner's right has been recognized.

4. A direction is again issued to the second respondent to register the decree when presented in proper manner. Such registration should be done within a period of two weeks from the date of presentation of the decree. The Court is consciously not issuing any costs on the second respondent for the mental agony caused to the petitioner herein, by repeatedly coming to this Court seeking directions. But if it again found that the second respondent gives any reasons for not registering the decree, then certainly, costs would be imposed.



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5. This Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition stands closed.

21.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

1.The District Registrar, Karur District, Karur.

2.The Sub-Registrar (Joint-II), Karur, Karur District.



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C.V.KARTHIKEYAN, J.

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