



**WRIT APPEAL(MD)No.1111 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.07.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
AND  
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**WRIT APPEAL(MD)No.1111 of 2023**

**K.Badrinarayanan**

**: Appellant/Petitioner**

**Vs.**

**1.The Joint Sub Registrar No.1,  
Sub Registration Office,  
Court Campus,  
Contonment, Trichy-620001.**

**2.N.Muthulakshmi**

**3.N.Meena**

**4.Nalini Arulmozhi**

**5.L.S.Vadivel @ L.Senthil Vadivel**

**6.L.Chidambaram @ Kittu**

**7.Muthiah**

**8.Umayal**

**1/8**



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9.C.N.Meenakshi

10.CT.Senthilnathan Chettiar : Respondents/Respondents

**Prayer:**

Writ Appeal has been filed under Clause 15 of Letters Patent to set aside the order, dated 21.02.2023 made in W.P.(MD)No.1793 of 2003 insofar as suo-motu impleading of the respondents 2 to 10 in the writ petition and directing the first respondent to hear them before registering the preliminary decree presented by the petitioner for registration, by issuing notice to them.

For Appellant : Mr.K.K.Senthil

For R1 : Mr.M.Lingadurai  
Special Government Pleader

**J U D G M E N T**

**D.BHARATHA CHAKRAVARTHY, J.**

This Writ Appeal is directed against the order of the learned Single Judge of this Court, dated 21.02.2023 in W.P.(MD)No.1793 of 2023. In



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the said writ petition, the appellant had challenged the refusal check slip issued by the first respondent/Joint Sub Registrar No.1, Trichy, dated 13.01.2023, whereby, his request to register the preliminary decree dated 22.02.1950 made in O.S.No.224 of 1948 was refused. The learned Single Judge after considering the issues raised by the petitioner and considering the circular dated 29.06.2022 issued by the Inspector General of Registration, held that the reason set out in the refusal check slip is unsustainable and set aside the check slip and permitted the appellant to re-present his document for registration and further, directed that upon re-presentation thereof the first respondent/Joint Sub Registrar No.1 to issue notice to all the private respondents herein and to hear both sides and to take a call in the matter. The learned Single Judge also made it clear that merely because the impugned refusal check slip has been set aside and the matter remitted back, it does not mean that the first respondent/Joint Sub Registrar No.1 has to automatically register the same, but to consider all the contentions of the parties and decide the issue.



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2. Eventhough the appellant herein succeeded in the writ petition, he has however filed this appeal aggrieved by the portion of the order, by which, the learned Single Judge has directed the private respondents also to be heard in the matter.

3. Mr.K.K.Senthil, the learned counsel appearing on behalf of the appellant would submit that when preliminary decree is a document, which is registrable at the instance of the appellant, when third parties have created encumbrances in the property in violation of the preliminary decree, there is no ground for the Joint Sub Registrar No.1 to dispute about the same and there is no scope for any enquiry to be conducted. He would further submit that in any event, the hearing of the private respondents in the matter was not necessary.

4. We have given our anxious consideration to the submissions made by the learned counsel appearing for the appellant and also to the submissions made by Mr.M.Lingadurai, learned Special Government Pleader appearing on behalf of the first respondent. There can be no



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quarrel over the proposition that the Joint Sub Registrar No.1 can refuse to reject the document if only, it is within the parameters or the grounds on which, he is entitled to refuse. But that does not mean that the private respondents, who also have a conflicting interest in respect of the subject matter should not be heard at all in determining the question. Especially in the facts and circumstances of the instant case, where the preliminary decree of the year 1950 is now sought to be registered by the appellant. Therefore, there may be any number of contentions which can be brought in by the parties and there may be several facts, which the private respondents may bring them to the notice of the Joint Sub Registrar No.1 which would be relevant for the Joint Sub Registrar No.1 to decide. Therefore, only because the learned Single Judge found that the reasons mentioned in the refusal check slip that there are other properties which are also beyond the territorial jurisdiction of the Joint Sub Registrar No.1 covered in the preliminary decree may not by itself justify the appellant to get the document registered. All the other aspects have to be looked into by the Joint Sub Registrar No.1 and therefore, the learned Single Judge has rightly remitted the matter back to the first respondent and



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while doing so, had directed the private respondents also to be heard. In the facts and circumstances of the case, when the appellant is seeking to register a decree of Court passed in the year 1950, no exception can be taken for the exercise of the discretion by the learned Single Judge to permit the Joint Sub Registrar No.1/first respondent to issue notice to all the persons interested in respect of the property and conduct an enquiry before taking a decision.

5. In the result, this writ appeal fails and accordingly, it is dismissed. However, there shall be no order as to costs.

**(S.S.S.R.,J.) & (D.B.C.,J)**

20.07.2023

NCC : Yes / No

Index: Yes/No

Index: Yes/No

sjj



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To  
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The Joint Sub Registrar No.1,  
Sub Registration Office,  
Court Campus,  
Contonment, Trichy-620001.



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**S.S.SUNDAR, J.**  
**AND**  
**D.BHARATHA CHAKRAVARTHY, J.**

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