



W.P.No.1647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.1647 of 2024

L.Venkatamani

... Petitioner

Vs.

1. The District Registrar,
Dharmapuri, Dharmapuri District.

2. The Joint Sub Registrar No.2,
Dharmapuri, Dharmapuri District.

3. Janaki

4. Munusamy

5. Rathna

6. Parameshwari

7. Madhala

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner's documents dated 10.04.2023 and thereby direct the second respondent to register the decree in O.S.No.2 of 2013 dated 25.04.2017 passed by the learned District Munsif at Dharmapuri.



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For Petitioner : M/s.S.Monisha
for Mr.B.Sundarapandiyan

For R1 and R2 : Mr.Yogesh Kannadasan
Special Government Pleader

For R3 to R7 : Mr.J.Raja Rao

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the second respondent to consider the petitioner's document dated 10.04.2023 and to direct the second respondent to register the decree dated 25.04.2017 passed in O.S.No.2 of 2013 on the file of the District Munsif Court at Dharmapuri.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the official respondents and the learned counsel appearing for the private respondents and perused the materials available on record.



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3. The learned counsel for the petitioner submitted that the petitioner has filed a suit in O.S.No.2 of 2013 on the file of the District Munsif Court, Dharmapuri against the defendants/private respondents herein and the said suit was decreed in favour of the petitioner on 25.04.2017. When he presented the same before the second respondent for registration, the second respondent returned the same, stating that it was an ex-parte decree. Hence he filed the present writ petition.

4. Learned Special Government Pleader appearing for the official respondents submitted that the documents which were presented by the petitioner is an ex-parte decree. Hence, the official respondents passed the impugned refusal check slip on the ground that the registration of the ex-parte order is not maintainable as per the Circular dated 27.02.2023 issued by the Inspector General of Registration and also as per order of this Court in W.P.(MD) No.5955 of 2014, dated 27.07.2016.



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5. On a perusal of the check slip, the second respondent referred Circular No.34930/C1 /2019 dated 27.02.2023 issued by the Inspector General of Registration and also the order passed by this Court dated 27.07.2016 in W.P.(MD)No.5955 of 2014. Though this Court in the above referred writ petition, stated that, while presenting the decree for registration and if the same is ex-parte decree, before registering the ex-parte decree, the Registering Authority shall scrutinize the documents enclosed therein. But this Court never stated that ex-parte decree should not be registered. This Court, again and again in several writ petitions stated that, even if the decree is ex-parte decree, the Registering Authority shall not refuse to register. For abundant caution the Registering Authority before registering a document has to verify the entitlement of the vendor who executed the document. Even in various order, this Court clearly observed that the Registrar cannot testify the veracity of the judgment or the ex-parte decree. The Registering Authority can only verify the documents like parent document, patta, chitta and adangal etc., The official respondents misunderstood the



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decisions of this Court especially in W.P.(MD)No.5955 of 2014 dated 27.07.2016.

6. In view of the above, the petitioner is directed to re-present the document before the second respondent for registration and on receipt of the same, the second respondent is directed to follow the directions of this Court passed in W.P.(MD) No.5955 of 2014, dated 27.07.2016 and after verifying the document, if it is otherwise in order, the second respondent shall register the same.

7. With the abovesaid directions, the Writ Petition is disposed of.
There shall be no order as to costs.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The District Registrar,
Dharmapuri, Dharmapuri District.
2. The Joint Sub Registrar No.2,
Dharmapuri, Dharmapuri District.



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P.VELMURUGAN, J.

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