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W.P. No.5584 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5584 of 2024

P. Mohankumar Raja

... Petitioner

Vs.

The Sub-Registrar,
Dharmapuri (West),
Office of the Sub- Registrar,
Gandhi Nagar,
Dharmapuri-636 701.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent culminating in his impugned Refusal check Slip bearing Refusal Number RFL/Dharmapuri West/132/2023 dated 29.11.2023 refusing to register the Judgment and Decree dated 18.07.2023 passed in O.S.No.82 of 2021 by the Learned District Munsif, Dharmapuri, quash the same, and consequently direct the respondent to forthwith register the said judgment and decree.

For Petitioner : Mr.R.A.Senapathi

for Mr. Arun Anbumani

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader.



W.P. No.5584 of 2024

WEB COPY

ORDER

This Writ Petition is filed challenging the impugned Refusal check Slip bearing Refusal Number RFL/Dharmapuri West/132/2023 dated 29.11.2023, issued by the respondent thereby refusing to register the Judgment and Decree dated 18.07.2023 passed in O.S.No.82 of 2021 by the District Munsif, Dharmapuri, quash the same, and consequently direct the respondent to forthwith register the said judgment and decree.

2. The case of the petitioner is that the petitioner obtained a decree from a competent Court in O.S.No.82 of 2021 dated 18.07.2023 on the file of the District Munsif, Dharmapuri. Thereafter, he presented the copy of the decree before the respondent herein for registration. The respondent, instead of registering the same as contemplated under Rule 23 of the Registration Act, refused to register the decree stating that as per the circular issued by the Inspector General of Registration, ex-party decree cannot be registered and simply passed the impugned refusal check slip



W.P. No.5584 of 2024

dated 29.11.2023. Challenging the same, the present Writ Petition is filed.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondent.

4. In several Writ Petitions, this Court has already made it clear that any decree passed by the competent Court has to be registered unless the said decree was subsequently set aside or over ruled or modified. However, the respondent has refused to register the decree produced by the petitioner by citing the circular issued by the Inspector General of Registration in Circular No.34390/C1/2019 dated 27.02.2023. It is also made clear that this Court, vide W.P. No.36564 of 2023 dated 05.01.2024, has quashed the particular portion of the said circular whereby the registering authority was directed not to register the ex-parte decree.

5. Under these circumstances, the impugned refusal check slip passed by the respondent dated 29.11.2023 is quashed. The respondent is directed to register the said decree produced by the petitioner if the same is



W.P. No.5584 of 2024

otherwise in order and in accordance with law.

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6. With the above directions, this Writ Petition is allowed with cost.

05.03.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

Ksa-2



W.P. No.5584 of 2024

To
WEB COPY

The Sub-Registrar,
Dharmapuri (West),
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WEB COPY



W.P. No.5584 of 2024

P.VELMURUGAN. J.

Ksa-2

W.P. No.5584 of 2024

05.03.2024