



WEB COPY

W.P.No.6500 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.6500 of 2024

Pappathi

... Petitioner

Vs.

The Sub Registrar
Suramangalam Sub Registrar Office
Salem District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in Refusal Check Slip dated 10.06.2023 in RFL/Suramangalam/149/2023 passed by the respondent, and quash the same and consequently direct the respondent to register the decree dated 13.09.2022 made in O.S.No.246 of 2016 passed by the I Additional District Munsif, Salem.

For Petitioner : Mr.S.Kousik

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

**ORDER**

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in Refusal Check Slip dated 10.06.2023 in RFL/Suramangalam/149/2023 passed by the respondent, and quash the same and consequently direct the respondent to register the decree dated 13.09.2022 made in O.S.No.246 of 2016 passed by the I Additional District Munsif, Salem.

2. The case of the petitioner is that the petitioner got an ex-parte decree dated 13.09.2022 in O.S.No.246 of 2016 on the file of the I Additional District Munsif, Salem. Thereafter, he presented the decree before the respondent for registration, whereas, the respondent refused to register the same by citing the order made in W.P.(MD) No.5955 of 2014 dated 27.07.2016, letter of the Inspector General of Registration in Letter No.43875/C1/2016 dated 06.02.2019 and the circular issued by the Inspector General of Registration in Circular No.34930/C1/2019, dated 27.02.2023 as per which, only final decree will be entertained for registration and ex-parte decree, permanent injunction order and stay order cannot be entertained for registration. Hence, the present Writ Petition is filed.



3. Mr.Yogesh Kannadasan, learned Special Government Pleader who takes notice for the respondent submitted that it is only an ex-parte decree and that the registration of an ex-parte decree may affect somebody.

4. Heard and perused the materials available on record.

5. It is seen that the petitioner has presented an ex-parte decree before the respondent for registration for which the respondent issued a refusal check slip stating that only final decree can be registered and that the ex-parte decree, permanent injunction order and stay order cannot be entertained for registration. The reason stated in the refusal check slip is unknown to law.

6. Section 17(2)(vi) of the Registration Act clearly says that any decree or order passed by the competent Court has to be registered compulsorily. Even the proviso to Section 23 of the Registration Act says that a copy of a decree or order may be presented within four months from the date on which the decree or order was made. Therefore, there is no legal impediment for registering a decree. The proviso itself clearly says “a decree or order”. The respondent without knowing the law, unnecessarily refused to register the ex-parte decree. This Court, time and again has held that any decree or order issued by the competent Court shall be registered provided that it meets out the provision of the Registration Act.



7. Therefore, in the present case, the issuance of impugned refusal check slip, is non application of mind and without applying the provisions of law. The reason stated in the refusal check slip is highly condemnable. Further, this Court vide W.P. No.36564 of 2023 dated 05.01.2024, already quashed the specific portion of the circular in ந.க.எண்.34930/சு1/2019 நாள் 27.02.2023, issued by the Inspector General of Registration, Chennai, whereby, directed the registering authority not to register ex-parte decree.

8. Under these circumstances, the impugned Refusal Check Slip dated 10.06.2023 in RFL/Suramangalam/149/2023 issued by the respondent is quashed. The respondent is directed to register the decree dated 13.09.2022 made in O.S.No.246 of 2016, passed by the I Additional District Munsif, Salem, if the same is otherwise in order.

9. Accordingly, this Writ Petition is allowed. No costs.

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Index : Yes / No

Neutral Citation Case : Yes/No



To

The Sub Registrar
Suramangalam Sub Registrar Office
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P.VELMURUGAN. J.

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