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W.P.No.11243 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09..07..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.11243 of 2021
and W.M.P. No.11894 of 2021

Vishwanathan

..... Petitioner

-Versus-

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 004.

2.The District Registrar,
Office of the District Registrar,
Erode District.

3.The Sub Registrar,
Office of the Sub Registrar,
Sivagiri, Erode District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order of refusal by the proceedings on the file of the 3rd respondent vide Refusal Check Slip in Refusal Number: RFL/Sivagiri Erode/2/2021 dated 07.01.2021 and to quash the same and consequently direct the 3rd respondent to receive and entertain, register the Court Final Decree dated 05.11.2020 made in O.S. No.169 of 2020 presented by the petitioner on 07.01.2021 for registration and return the original document to the petitioner



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after considering the representation of the petitioner dated 01.02.2021 in accordance with law and on merits expeditiously within a time frame stipulated by this Court.

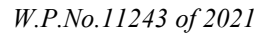
For Petitioner(s) : Mr.R.Prabakar

*For Respondent (s) : Mr.P.Anandhakumar,
Government Advocate*

ORDER

Challenge in this writ petition is mainly to the refusal check-slip dated 07.01.2022 issued by the 3rd respondent in Refusal Number: RFL/Sivagiri Erode/2/2014 refusing to register the final decree granted in O.S.No.169 of 2020 dated 05.11.2020 and for a consequential direction to the 3rd respondent to receive, entertain and register the final decree and return the original document to the petitioner after registration.

2. The case of the petitioner is that his son V.Lokesh Vaibhav filed a suit in O.S.No.169 of 2020 on the file of the II Additional District Judge, Erode, against him for partition of properties set out in the schedule to the plaint into two equal shares and for allotment of one such share to him. In the said suit, a compromise was arrived at between him and his son before the Lok Adalat on



05.10.2020.He was allotted suit B-Schedule property consisting of Item 1 and 2

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the order of attachment and he was not at all a party



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to such suit. However, citing such an attachment relating to the larger extent of land, the 3rd respondent refused to register the final decree which requires interference at the hands of this court.

4. No counter affidavit has been filed by the respondents 1 to 3.

5. Heard both sides.

6. Admittedly the final decree of the court dated 05.10.20 made in O.S.No.169 of 2020 which was presented by the petitioner for registration was refused to be registered by the 3rd respondent. It is needless to state that a decree is not compulsorily registrable and mere registration of a decree would not amount to transfer of any property. Therefore, there cannot be any refusal on the part of the registering authorities citing a reason that there is order of attachment with respect of a particular property. The provisions in Section 22B of the Registration Act, 1908 can be pressed into service to refuse registration of a document only in a case where an immovable property sought to be transferred by any means, attachment will come in the way as per section 22-B of the Registration Act, 1908. For mere registration of a decree of a civil court, attachment will not come in the way. Therefore, this court is of the view that the impugned order is not sustainable in the eye of law and the same is liable to be set aside.



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In the result, the writ petition is allowed. The impugned refusal check slip issued by the 3rd respondent in Refusal Number: RFL/Sivagiri Erode/2/2021 dated 07.01.2021 is quashed. The 3rd respondent is directed to register the decree presented by the petitioner for registration within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMP is closed.

Index : yes / no
Neutral Citation : yes / no
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To

- 1.The Inspector General of Registration,
100, Santhome High Road, Chennai – 600 004.
- 2.The District Registrar,
Office of the District Registrar, Erode District.
- 3.The Sub Registrar,
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N.SATHISH KUMAR.J.,

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