



WEB COPY



WP.No.11272 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11272 of 2024 & WMP.No.12363 of 2024

C.Shanthi

.. Petitioner

Versus

The Joint Sub Registrar No.II,
Sub Registrar Office, Krishnagiri.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in connection with the proceedings dated 28.08.2023 in Moo.Mu.No.252/2023 dated 28.08.2023 of the respondent and to quash the same and consequently direct the respondent to register the judgment and decree in O.S.No.221 of 2015 on the file of the learned Principal Subordinate Judge, Krishnagiri and direct the respondent to raise the attachment of his properties to an extent of 2219.37 sq.ft. plot with R.C.C. Molding house constructed thereon situated at Door N.4, 4/469B, Adhiyaman Nagar, Krishnagiri comprised in S.No.181/A3 and 181/A3C Plot No.-1 of Bianapalli Village, Krishnagiri Taluk and District and another property measuring to an extent of 0.12 ½ cent agricultural land comprised in S.No.:181/1B1 of Bianapalli Village, Krishnagiri Taluk and District and clear the encumbrance made thereon with the Joint Sub-Registrar No.2, Sub Registrar Office Salem Road, Krishnagiri – 635 001.



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For Petitioner : Mr.K.Thiruvengadam
For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned proceedings dated 28.08.2023 in Moo.Mu.No.252/2023 of the respondent and consequently direct the respondent to register the judgment and decree in O.S.No.221 of 2015 on the file of the learned Principal Subordinate Judge, Krishnagiri and direct the respondent to raise the attachment on the properties of the petitioner.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

4. The case of the petitioner is that the subject properties are self acquired properties of the petitioner and all the revenue records including the



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patta stands in the name of the petitioner. While so, the Deputy Registrar of Co-operative Society without any notice attached the above property towards the liabilities of her husband. As against the attachment, the petitioner filed a suit in O.S.No.221 of 2015 on the file of the Principal Subordinate Judge, Krishnagiri. The above suit has been decreed in favour of the petitioner. When the decree has been presented for registration, the same was refused to be registered. Hence, the present Writ Petition.

5. The impugned Order has been passed rejecting the registration of the exparte decree passed in O.S.No.221 of 2015 on the ground that there is a circular by the Inspector General of Registration in Circular No.34930/C1/2019, dated 27.02.2023. The is Court is of the view that the refusal of the registering authorities to register the judgment and decree cannot be permitted in the eye of law. Whether it is an exparte decree or a contested decree is not a matter for consideration by the registering authorities. Once a decree is produced before the registering authorities, it is their duty to register it. In fact, the impugned Order invite proceedings for contempt and if such refusal Orders are continued to be passed, the authorities will be proceeded for contempt. In such view of the matter, the impugned proceedings of the respondent has to be quashed.



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6. Accordingly, this Writ Petition is allowed and the impugned proceedings of the respondent dated 28.08.2023 stands quashed and the respondent is directed to register the decree and judgment 08.06.2016 passed in O.S.No.221 of 2015 presented by the petitioners within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

25.04.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

The Joint Sub Registrar No.II,
Sub Registrar Office, Krishnagiri.



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N. SATHISH KUMAR, J.

vrc

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