



W.P.No.12049 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12049 of 2024

Devaraj

... Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar, Annur,
Coimbatore District.

... 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 pertaining to the refusal check slip vide Refusal Number: RFL/ Annur/ 28/2024 dated 08.03.2024 on the file of the respondent and quash the same and consequently direct the respondent to register the dismissed order in O.S.No.797/2011, 1517/2017, 247/2018 on the file of the IV Additional Subordinate Court, Coimbatore in the encumbrance remarks in respect of the survey No.430 having extent of 99 cents located at kuppenpalayam village by considering the representation dated 08.03.2024.

For Petitioner : Mr.R.Karthic Rajan

For Respondent : Mr.P.Anandhakumar, GA

ORDER

This Writ Petition has been filed for the issuance of a Writ of



W.P.No.12049 of 2024

Certiorarified Mandamus to call for the records pertaining to the refusal check slip vide Refusal Number: RFL/ Annur/ 28/2024 dated 08.03.2024 on the file of the respondent and quash the same and consequently direct the respondent to register the dismissed order in O.S.No.797/2011, 1517/2017, 247/2018 on the file of the IV Additional Subordinate Court, Coimbatore in the encumbrance remarks in respect of the survey No.430 having extent of 99 cents located at kuppenpalayam village by considering the representation dated 08.03.2024.

2. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. This refusal slip has been issued mainly on the ground that the suit has been dismissed and therefore, the rights of the parties have not been decided.

4. The very interpretation of the Sub-Registrar cannot be sustained in the eye of law. When the decree or judgment is sought to be registered, it is not the concern of the Sub-Registrar to find out whether the rights of



W.P.No.12049 of 2024

the parties are declared or not. When the judgment or decree itself is sought to be registered, a circular relied upon the respondent cannot be put in force. When the substantive provision of Registration Act itself allow registration of such document, any circular issued overriding the substantive provision cannot be sustained in the eye of law. In such view of the matter, the refusal slip issued by the respondent is liable to be quashed.

5. In view of the above observations, this Writ Petition is allowed and the impugned order in RFL/ Annur/ 28/2024 dated 08.03.2024 on the file of the respondent is quashed. The respondent is directed to register the document within a period of two weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

30.04.2024

.SATHISH KUMAR, J.

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To

The Sub Registrar,

Page No.3 of 4



W.P.No.12049 of 2024

Office of the Sub Registrar, Annur,
Coimbatore District.

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W.P.No.12049 of 2024

30.04.2024