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WP.No.16271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.16271 of 2024 & WMP.No.17811 of 2024

Ramesh

.. Petitioner

Versus

The Sub Registrar,
Dharmapuri [West], Dharmapuri.

.. 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 with respect of the impugned proceedings passed by the respondent in the name of Refusal Check slip in Refusal No. RFL/Dharmapuri West/67/2024 dated 16.04.2024 and quash the same and consequently directing the Respondent herein to register the final decree proceeding dated 20.02.2002 passed in O.S.No. 129/2001 on the file of the District Munsif Court Dharmapuri.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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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 passed by the respondent in Refusal Check slip in Refusal No. RFL/Dharmapuri West/67/2024 dated 16.04.2024 and consequently direct the respondent to register the final decree proceeding dated 20.02.2002 passed in O.S.No. 129/2001 on the file of the District Munsif Court Dharmapuri

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

4. The case of the petitioner is that the mother of the petitioner is the owner of the subject property and she filed a suit for declaration and injunction in O.S.No.129 of 2001 and the same was decreed on 20.02.2002. The grievance of the petitioner is that after the death of his mother, when the



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petitioner presented the decree for registration, the same was refused to be registered on the ground that the decree is an exparte decree. Hence, the present Writ Petition.

5. The impugned Order has been passed rejecting the registration of the exparte decree passed in O.S.No.129 of 2001 on the ground that there is a bar for registration of an exparte decree as per the circular of the Inspector General of Registration in Circular No.34930/C1/2019, dated 27.02.2023. At the outset, this 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 such view of the matter, the impugned proceedings of the respondent has to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned proceedings of the respondent dated 16.04.2024 stands quashed and the respondent is directed to register the decree and judgment 20.02.2002



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passed in O.S.No.129 of 2001 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed. No costs.

24.06.2024

vrc

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

To,

The Sub Registrar,
Dharmapuri [West], Dharmapuri.



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N. SATHISH KUMAR, J.

vrc

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