



WEB COPY



WP.No.16997 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.16997 of 2024

P.M.Yoganathan

.. Petitioner

Versus

The Joint Sub Registrar No.2
Gobichettipalayam Sub Registrar Office
Gobichettipalayam Registration District

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Refusal check slip dated 9.5.2024 in RFL/2 No.Joint Sub Registrar Gobichettipalayam/21/2024 passed by the respondent and quash the same consequently direct the respondent to register the decree dated 20.11.2023 made in A.S.No.285 of 2023 passed by this Honourable court.

For Petitioner : Mr.V.Anandhamoorthy

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

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Challenge has been made to the refusal check-slip issued by the respondent in registering the decree dated 20.11.2023 made in A.S.No.285 of 2023 passed by this Court.

2. It is the case of the writ petitioner that when the decree of this Court in A.S.No.285 of 2023 was presented for registration before the respondent, the same was refused to be registered on the ground that it is only an interim decree.

3. Heard both sides and perused the entire materials placed on record.

4. At the outset, this Court is of the view that the very order passed by the registering authority is against the settled position of law and clear non application of mind. Therefore, counter is not required and by consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

5. This Court in A.S.No.285 of 2023 passed a decree and judgment, wherein, the suit in O.S.No.14 of 2021 was set aside and the decree in the suit



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was is also reversed. In fact, the suit itself is filed to set aside the earlier decree obtained fraudulently and that has been allowed by the Trial Court in O.S.No.14 of 2021. As against which, appeal is filed before the Appellate Court and the same was allowed by setting aside the finding in O.S.No.14 of 2021. Such being the position, the authorities refusing to register the said decree mainly on the ground that it is only an interim decree and not reached finality is a clear non application of mind.

6. The authorities, has, in fact assumed the role of the Appellate Court. The very act of the Sub Registrar interpreting the judgment of the Appellate Court is nothing but clear contempt. Such view of the matter, this Court is inclined to set aside the impugned order with a cost of Rs.10,000/- as against the respondent and the same shall be paid to the Adyar Cancer Institute, Chennai. In the event, the same is not paid, the concerned District Registrar is directed to recover that amount from the salary of the respondent.

7. Accordingly, the impugned order is set aside and the respondent is directed to register the decree dated 20.11.2023 made in A.S.No.285 of 2023 passed by this court within a period of one week from the date of receipt of a copy of this Order.



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N. SATHISH KUMAR, J.

8. In view of the above, this writ petition stands allowed. No costs.

9. Post this matter on 31.07.2024, under the caption, for compliance.

01.07.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

Note: Issue Order Copy on 02.07.2024

To,

The Joint Sub Registrar No.2
Gobichettipalayam Sub Registrar Office
Gobichettipalayam Registration District

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