



WEB COPY

W.P.No.18536 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18536 of 2024

Salammal

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Petitioner

versus

1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram,
Chennai - 28.

2.The District Registrar,
Dharmapuri District.

3.The Sub Registrar,
Dharmapuri West,
Office of the Sub Registrar,
Dharmapuri District.

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Respondents

Prayer: Writ Petition 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 dated 11.06.2024 bearing refusal check slip in RFL/Dharmapuri West/92/2024 on the file of the third respondent and consequently direct the third respondent to register the decree presented by the petitioner.



For Petitioner : Mr.S.Velmurugan
For Respondents : Mr.M.Shajahan
Special Government Pleader

ORDER

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

2. This Writ Petition is filed to quash the Refusal Check Slip in Refusal Number : RFL/Dharmapuri West/92/2024 dated 11.06.2024 and consequently direct the third respondent to register the same.

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

4. It is the case of the writ petitioner that the defendants had set up a counter claim in the suit filed by the plaintiff. Though the suit has been dismissed by the trial Court and passed a decree dated 20.03.2024, the same has been refused to be registered on the ground that citing some circular.



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5. Since the very refusal order itself is non-application of mind and against the settled position of law, no counter is required. It is relevant to note that when the Court allows the petitioner's counter claim, it will have the effect of a decree and judgment. Even if the suit is dismissed, counter claim has to be decided separately. Therefore, citing some circular refusing to register, the same cannot be sustained and the same stands quashed.

6. Such view of the matter, the Refusal Check Slip in Refusal Number : RFL/Dharmapuri West/92/2024 dated 11.06.2024 issued by the third respondent stands quashed. The third respondent is directed to register the decree dated 20.03.2024 within a period of seven (7) days from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is allowed. No costs.

15.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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N.SATHISH KUMAR, J.

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