



WEB COPY



WP.No.19321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **18.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.19321 of 2024

Kalyani

.. Petitioner

Versus

1. The Sub Registrar,
O/o.Sub Registrar, Valapadi.
2. The District Registrar [Administration]
[Additional Charge], Salem East.
3. The Inspector General of Registration,
Santhome High Road, Chennai.

.. Respondents

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 with respect to the refusal slip No.RFL/Valapadi/60/2023 dated 19.05.2023 on the file of the first respondent and the consequent order in Na.Ka.No.4055/A1/2023 dated 03.04.2024 on the file of the second respondent and quash the same and consequently direct the first respondent to register the judgement and Decree passed in O.S.No. 189 of 2020 dated 27.02.2023 on the file of I Additional Subordinate Court Salem.



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For Petitioner : Mr.J.Prithivi
For Respondents : Mr.M.Shajahan
Special 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 refusal slip No.RFL/Valapadi/60/2023 dated 19.05.2023 on the file of the first respondent and the consequent order in Na.Ka.No.4055/A1/2023 dated 03.04.2024 on the file of the second respondent and quash the same and consequently direct the first respondent to register the judgement and Decree passed in O.S.No. 189 of 2020 dated 27.02.2023 on the file of I Additional Subordinate Court, Salem.

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



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4. The case of the petitioner is that she is the absolute owner of the subject property as per the decree and judgment passed in O.S.No.189 of 2020 dated 27.02.2023 on the file of the I Additional Subordinate Court, Salem. When the petitioner presented the decree for registration, the first respondent refused to register the same on the ground that the said decree is an exparte decree. Challenging the same, the present Writ Petition has been filed.

5. The impugned Order has been passed rejecting the registration of the exparte decree passed in O.S.No.189 of 2020 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.



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6. Accordingly, this Writ Petition is allowed and the impugned proceedings of the first respondent dated 19.05.2023 and consequent Order of the second respondent dated 03.04.2024 stand quashed and the first respondent is directed to register the decree and judgment 27.02.2023 passed in O.S.No.189 of 2020 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

18.07.2024

vrc

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

To,

1. The Sub Registrar,
O/o.Sub Registrar, Valapadi.
2. The District Registrar [Administration]
[Additional Charge], Salem East.
3. The Inspector General of Registration,
Santhome High Road, Chennai.



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N. SATHISH KUMAR, J.

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