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W.P.No.23586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No. 23586 of 2024

1.Malliga
2.Rajammal

..Petitioners

Vs.

1. Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600 028.
2. The Sub Registrar,
Dharmapuri (West) Sub Registration
Office,
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the impugned orders passed by the 2nd respondent in Refusal Check Slip Number RFL/Dharmapuri West/61/2024 dated 05.04.2024 and



W.P.No.23586 of 2024

quash the same and consequently direct the 2nd respondent to register the final decree passed by the learned District Munsif Court, Dharmapuri in I.A. No. 504 of 2022 in O.S. No. 26 of 2016 dated 23.11.2023.

For Petitioners : Mr.M.Chinnadurai

For Respondents : Mr.P. Harish for R1 & R2
Government Advocate

ORDER

This Writ Petition is filed challenging the refusal check slip issued by the second respondent declining the registration of the final decree passed in IA.No.504 of 2022 in OS.No.26 of 2016 dated 23.11.2023 mainly on the ground that it was an exparte decree.

2. When the Writ Petition is taken up for hearing, the learned Government Advocate appearing for the respondents 1 & 2 by relying on the circular issued by the Inspector General of Registration in proceedings No.34930/C1/2019 dated 11.07.2024 submitted that already the first respondent issued necessary directions insisting all the Sub-Registrars not to refuse the registration of exparte decree on the sole ground that the decree was passed exparte.



W.P.No.23586 of 2024

WEB COPY

3. In view of the circular issued by the first respondent referred above there may not be any impediment for the second respondent to register the exparte decree presented for registration. The impugned order is not sustainable in the light of the circular issued by the first respondent, accordingly, the same is set aside.

4. The petitioner is directed to represent the document before the second respondent within a period of two weeks from the date of receipt of copy of this order, and on representation of the same, the second respondent is directed to register the document if it is otherwise in order.

5. With the above direction, this Writ Petition is allowed. No costs.

16.08.2024
(½)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



W.P.No.23586 of 2024

To

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1. The Inspector General of Registration,
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W.P.No.23586 of 2024

S.SOUNTHAR, J.

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W.P No.23586 of 2024
(1/2)

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