



W.P.No.26639 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.26639 of 2024
and
W.M.P.No.29154 of 2024

Varadarajan

... Petitioner

Vs.

The Sub Registrar,
The Registration Department,
Palladam,
Tiruppur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Impugned Refusal Check Slip issued in RFL/Palladam/Book 2/1 dated 21.02.2022, on the file of the Respondent herein, quash the same and consequently direct the respondent herein to register the Judgment and Decree dated 05.02.2021 passed in I.A.No.01 of 2021 in O.S.No.767/2015 on the file of the III Addl.Sub Court, Coimbatore.

For Petitioners : Mr.K.Govi Ganesan

For Respondent : Mr.C.Meera Arumugham
Additional Government Pleader



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ORDER

This Writ Petition has been filed for a Certiorarified Mandamus to call for the records relating to the Impugned Refusal Check Slip issued in RFL/Palladam/Book 2/1 dated 21.02.2022, on the file of the Respondent herein, quash the same and consequently direct the respondent herein to register the Judgment and Decree dated 05.02.2021 passed in I.A.No.01 of 2021 in O.S.No.767/2015 on the file of the III Addl.Sub Court, Coimbatore.

2. On 12.08.2021, the Petitioner had presented the Judgement and Decree in O.S.No.767 of 2015 on the file of the III Additional Sub Court, Coimbatore for registration. The matter was settled amicably and a compromise decree has been passed. The Respondents however had kept the same pending and had assigned it pending Document No.P17/2021. Thereafter on 21.01.2022, the same was returned with the Refusal Check Slip stating that the lands had been acquired by the TNBH (Tamil Nadu Housing Board) and therefore, the registration could not be done. Challenging the same, the Petitioner is before this Court.



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3. The learned counsel for the Petitioner would submit that the Petitioner does not seek registration of the document but only seeks to have the same filed into the Book 1. He would further submit that Section 22 A of the Registration Act, 1908 will apply in the case of a instruments relating to transfer of immovable property as set out therein.

4. In the instant case, the learned counsel for the Petitioner would submit that the Judgement and Decree in O.S.No.767 of 2015 is sought to be filed in Book 1 to alert third parties. Further under Section 22 A of the Registration Act, 1908, the objections of the Housing Board has not been shown as one of the entries for refusing registration. Therefore, the present application for registration would not offend the provisions of Section 22 A of the Registration Act, 1908.

5. Heard the learned counsel on either side.



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6. As pointed out by the learned counsel for the Petitioner, the Petitioner seeks to put the third parties on notice about the compromise that had been entered into between the parties and the decree that has been passed consequent to these Compromise Agreement. The reasons for refusal does not fall within any of the categories set out in Section 22 A of the Registration Act, 1908. Therefore, the Writ Petition is allowed. Accordingly, the impugned Refusal Check Slip is quashed. No costs. Consequently, connected Miscellaneous Petition is closed.

29.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm

To

The Sub Registrar,
The Registration Department,
Palladam,
Tiruppur District.

P.T.ASHA, J.



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