



WEB COPY



W.P.No.29804 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.29804 of 2024

Ramasamy

... Petitioner

VS.

The Sub-Registrar,
Registration Department,
Veppanthattai,
Perambalur District.
PIN : 621 117

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip bearing No.RFL/Veppanthattai/301/2024 dated 01.08.2024 on the file of the Respondent herein, quash the same and consequently direct the Register to register the Judgment and Decree dated 28.04.2023 passed in O.S.No.38 of 2019 on the file of the District Munsif Court-cum-Judicial Magistrate, Veppanthattai, Perambalur District, within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.T.Chezhiyan
Additional Government Pleader

ORDER



W.P.No.29804 of 2024

WEB COPY By consent of both the learned counsel appearing for the petitioner as well as respondent, this writ petition is disposed of at the admission stage itself.

2. Aggrieved by the impugned Refusal Check Slip bearing No.RFL/Veppanthattai/301/2024 dated 01.08.2024 issued by the respondent refusing to register the certified copies of the judgment and decree passed in O.S.No.38 of 2019, dated 28.04.2023 on the file of the District Munsif-cum-Judicial Magistrate, Veppanthattai, Perambalur District, the petitioner has come before this Court.

3. It is the case of the petitioner that he and his mother-Veerammal filed a suit in O.S.No.699 of 2004 on the file of the District Munsif-cum-Judicial Magistrate, Veppanthattai, Perambalur District against one Angammal and others for declaration of title, permanent injunction and mandatory injunction to remove the names of defendants 1 to 3 from the revenue records in respect of the suit property and the said suit was renumbered as 38 of 2019. The said suit was decreed by the Trial Court by



W.P.No.29804 of 2024

the judgment and decree dated 28.04.2023. It is also stated by the petitioner that the judgment and decree has become final, as no appeal has been filed by the rival parties to the knowledge of the petitioner. The certified copies of the judgment and decree were presented before the respondent for registration. The respondent refused to register the same by citing Circulars issued by the Inspector General of Registration in Na.Ka.No. 34930/C1/2019, dated 27.02.2023 and Na.Ka.No.34930/C1/2019, dated 11.07.2024.

4. In the impugned refusal check slip, the respondent has not given any reason for refusing to register the judgment and decree presented for registration. The respondent simply referred to the circulars issued by the Inspector General of Registration. However, without giving any valid reason he refused registration. The respondent has not stated how Civil Court's judgment and decree pertains to subject property can be refused registration. Certainly, the administrative instructions issued by Inspector General of Registration will not affect validity of decree passed by Civil Court touching the subject property. Further, respondent has not indicated in the impugned order how alleged circular issued by Inspector General of Registration gets



W.P.No.29804 of 2024

attracted in the present case. Therefore, the impugned refusal check slip issued by the respondent is a non-speaking order and the same is liable to be set aside.

5. When the certified copies of the judgment and decree passed by the Civil Court is presented for registration, the registering-authority is not entitled to refuse registration without giving valid reason, the same would amount to nullifying the considered order passed by the Civil Court. Therefore, the impugned Refusal Check Slip in No.RFL/Veppanthattai/301/2024, dated 01.08.2024 issued by the respondent is set aside.

6. The petitioner is directed to represent certified copies of the judgment and decree passed in O.S.No.38 of 2019, dated 28.04.2023 on the file of the District Munsif-cum-Judicial Magistrate, Veppanthattai, Perambalur District for registration before the respondent, within a period of two weeks from the date of receipt of copy of this order. The respondent shall register the same, if it is otherwise in order.

7. With the above direction, the Writ Petition stands allowed. No



costs.

WEB COPY

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

The Sub-Registrar,
Registration Department,
Veppanthattai,
Perambalur District.
PIN : 621 117



W.P.No.29804 of 2024

17.10.2024



WEB COPY



W.P.No.29804 of 2024

S.SOUNTHAR, J.

dm

W.P.No.29804 of 2024

17.10.2024