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WP.No.36320 of 2024

In the High Court of Judicature at Madras

Dated : 06.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36320 of 2024

Kujala

Vs

...Petitioner

- 1.The Inspector General of
Registration, 100, Santhome
High Road, Mullima Nagar,
Mandavelipakkam, R.A.Puram,
Chennai-28.
- 2.The Deputy Inspector General of
Registration, Combined Office of
the Registrars, Kumaragiri
Bypass Road, Kamarajar Colony,
Ammapettai, Salem-636014.
- 3.The District Registrar (Salem
East), Combined Office of
the Registrars, Kumaragiri
Bypass Road, Kamarajar Colony,
Ammapettai, Salem-636014.
- 4.The Sub-Registrar, Dadagapatti
Sub-Registrar Office, Combined
Office of the Registrars, Kumaragiri
Bypass Road, Kamarajar Colony,
Ammapettai, Salem-636014.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order issued by the third respondent vide



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proceeding Na.Ka.No.115/2024 dated 22.3.2024, quash the same as null and void, illegal and invalid and consequently direct the respondents to forthwith register the document namely the decree dated 08.10.2021 passed by the Principal District Munsif Court, Salem in O.S.No.753 of 1996 (O.S.No.983 of 1994 of Sub-Court, Salem).

For Petitioner : Mr.P.Ganesan
For Respondents : Mr.B.Vijay, AGP

ORDER

Challenging the order passed by the fourth respondent (wrongly described as the third respondent in the prayer), the petitioner has filed this writ petition seeking to quash the order dated 22.3.2024 and to issue a consequential direction to the fourth respondent to register the final decree dated 08.10.2021 passed by the Principal District Munsif Court, Salem in O.S.No.753 of 1996 (O.S.No.983 of 1994 of Sub-Court, Salem).

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The said final decree was refused to be registered by the fourth respondent on the ground that it is an ex parte decree.



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4. By the impugned order, the Registering Authority is trying to differentiate an ex parte decree from a contested decree. A decree, whether ex parte or contested, has the same effect and is enforceable. The fourth respondent, by refusing to register the said decree on the above ground, has ignored his remit as set out under the Registration Act and the relevant Rules framed thereunder. Section 34 of the Registration Act read with Rule 55 of the Registration Rules clearly set out the scope of inquiry that a Registering Authority can undertake and Section 22A introduced into the Registration Act by the Tamil Nadu Amendment also sets out the grounds for refusal. The reason, for which, the fourth respondent refused to register the said final decree, does not fall under any of the aforesaid categories.

5. Accordingly, the writ petition is allowed, the impugned order is set aside the the fourth respondent is directed to register the decree presented by the petitioner within a period of two weeks from the date of its representation. No costs.

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To

- 1.The Inspector General of Registration, 100, Santhome High Road, Mullima Nagar, Mandavelipakkam, R.A.Puram, Chennai-28.
- 2.The Deputy Inspector General of Registration, Combined Office of the Registrars, Kumaragiri Bypass Road, Kamarajar Colony, Ammapettai, Salem-636014.
- 3.The District Registrar (Salem East), Combined Office of the Registrars, Kumaragiri Bypass Road, Kamarajar Colony, Ammapettai, Salem-636014.
- 4.The Sub-Registrar, Dadagapatti Sub-Registrar Office, Combined Office of the Registrars, Kumaragiri Bypass Road, Kamarajar Colony, Ammapettai, Salem-636014.

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P.T.ASHA,J

RS

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