



W.P.(MD)No.1384 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 24.01.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.1384 of 2024

Sappani

...Petitioner

/Vs./

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam, Chennai – 600 028.

2.The Joint Sub Registrar – 1,
Tenkasi, Tenkasi District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip issued by the 2nd respondent in No.RFL/1-JOINT SUB REGISTRAR TENKASI/73/2023 dated 20.10.2023 and quash the same as illegal and consequently direct the 2nd respondent to register the certified copy of the final decree in I.A.No.154 of 2005 dated 29.01.2008 and preliminary decree in O.S.No.230 of 1994 dated 08.01.1996 within a time frame fixed by this Court.

For Petitioner : Mr.I.Velpradeep

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader



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ORDER

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This writ petition has been filed challenging the impugned refusal check slip issued by the 2nd respondent in No.RFL/1-JOINT SUB REGISTRAR TENKASI/73/2023 dated 20.10.2023 with consequential direction to the 2nd respondent to register the certified copy of the final decree in I.A.No.154 of 2005 dated 29.01.2008 and preliminary decree in O.S.No.230 of 1994 dated 08.01.1996 within a time frame fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who takes notice for the respondents. By consent of both parties, this writ petition is disposed as the stage of admission itself.

3. According to the petitioner, the subject property is an ancestral property. Since there was dispute regarding the subject property, a suit in O.S.No.230 of 1994 was filed before the District Munsif Court, Tenkasi, against the petitioner and his family members, which was decreed as exparte on 08.01.1996. In the execution petition filed, the petitioner herein was allotted S.No.578/2B3A. When the petitioner submitted an application before the second respondent to register the said judgment and decree passed in



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preliminary and final decree proceedings, the authorities have refused to register the same stating that the judgment and decree of the Court is an exparte decree by citing a circular issued by the first respondent in Na.Ka.No.34930/C1 2019 dated 27.02.2023.

4. The learned counsel appearing for the petitioner submits that the impugned refusal check slip was passed by non application of mind and the circular noted in the impugned refusal check slip is not applicable to the petitioner's case.

5. The learned Additional Government Pleader appearing for the official respondents submits that since it is an exparte decree, the registration could not be done.

6. It is made clear that when the registering authorities cannot refuse to register the decree of the Court simply stating that this is an exparte decree and there is no limitation prescribed under Section 23 of the Registration Act, 1908 for registering any decree or order of the Court. The petitioner has every right to seek for registration of the decree of the Court and the authorities have to register the same.



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7. In the considered view of this Court, the impugned refusal check slip issued by the 2nd respondent in No.RFL/1-JOINT SUB REGISTRAR TENKASI/73/2023 dated 20.10.2023 is set aside. This Court directs the respondents to register the certified copy of the final decree in I.A.No.154 of 2005 dated 29.01.2008 and preliminary decree in O.S.No.230 of 1994 dated 08.01.1996 presented by the petitioner for registration, within a period of eight weeks from the date of receipt of the documents to be submitted by the petitioner.

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

24.01.2024

NCC : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.1384 of 2024

Dated:
24.01.2024