



W.P.(MD) No.18777 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.18777/2024

V.Varadadesikachariyar

...

Petitioner

-vs-

The Sub-Registrar,
Sub-Registrar Office,
Murappanadu,
Thoothukudi District.

...

Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned refusal slip in RFL/Murappanadu/68/2024, dated 25.06.2024, on the file of the respondent and quash the same as illegal and consequently direct the respondent to register the judgment, dated 30.01.2024, in S.A.(MD)No.747 of 2014 on the file of Madurai Bench of Madras High Court, Madurai, and the judgment and decree, dated 17.03.2014, in A.S.No.108 of 2011 on the file of Additional Sub-Court,



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Tirunelveli, and the judgment and decree, dated 17.06.2011, in O.S.No.393 of 2009 on the file of Principal District Munsif Court, Tirunelveli.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondent : Mr.P.Subbaraj,
Spl.Govt.Pleader.

ORDER

With consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself. Therefore, no counter is required.

2. This Writ Petition has been filed for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned refusal slip in RFL/Murappanadu/68/2024, dated 25.06.2024, on the file of the respondent and quash the same as illegal and consequently direct the respondent to register the judgment, dated 30.01.2024, in S.A.(MD)No.747 of 2014 on the file of Madurai Bench of Madras High Court, Madurai, and the judgment and decree, dated 17.03.2014, in A.S.No.108 of 2011 on the file of Additional Sub-Court, Tirunelveli, and the judgment and decree, dated 17.06.2011, in O.S.No.393 of 2009 on the file of Principal District Munsif Court, Tirunelveli.



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3. It is the case of the writ petitioner that when he presented the above said judgments and decrees, the same have been refused to be registered on the ground that original documents have not been produced.

4. At the outset, the very order of the respondent is nothing but a deliberate disobedience of the Court. He cannot act as an appellate Court to go into the merit of the judgments and decrees to seek original documents. Such act is nothing but a clear contemptuous act and if any such orders are passed in future by the very same Sub-Registrar, he will be proceeded for contempt of court.

5. This Court, in Subramani v. Office of Sub-Registrar, Rasipuram, in W.P.No.11056 of 2024, dated 26.04.2024, has categorically held that refusals cannot be ordered automatically. Pursuant to the said judgment, a detailed circular was already issued by the Inspector General of Registration, Chennai, in Circular No.22482/C1/2022, dated 12.07.2024, and in spite of the said circular, the authorities mechanically refuse to register the documents.



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6. Therefore, this Writ Petition is allowed and the impugned order is set aside. The respondent is directed to register the documents within a period of one week from the date of receipt or production of copy of this order.

No costs.

06.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

dixit

To:

The Sub-Registrar,
Sub-Registrar Office,
Murappanadu,
Thoothukudi District.



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N.SATHISH KUMAR, J.

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