



W.P.(MD)N.19472 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19472 of 2024

Kuthbu Sulthan Syed Ibrahim
Hyeed Oliyullah Dharga Haqdar
Administrative Committee,
through its Secretary,
S.Syed Sirajudeen Levvai

... Petitioner

Vs.

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

2. The Sub Registrar,
Keelakarai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining the impugned refusal check slip in RFL/Keelakarai/113/2023 dated 09.11.2023 passed by the second respondent and quash the same and consequentially directing him to register the decree dated 27.04.1989



W.P.(MD)N.19472 of 2024

WEB COPY

in O.S.No.236 of 1978 on the file of the Subordinate Court, Ramanathapuram at Madurai within a time frame that may be fixed by this Court on payment of necessary registration charges without insisting for payment of any stamp duty and without insisting on the period of limitation under Section 23 of the Registration Act, 1908.

For Petitioner : Mr.J.Barathan
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip in RFL/Keelakarai/113/2023 dated 09.11.2023 passed by the second respondent and consequentially directing him to register the decree dated 27.04.1989 in O.S.No.236 of 1978 on the file of the Subordinate Court, Ramanathapuram at Madurai, within a specific time.

2. Heard both sides and perused the materials available on record.



W.P.(MD)N.19472 of 2024

WEB COPY

3. The refusal check slip has been issued on the ground that the decree presented by the petitioner is only an *exparte* decree. The petitioner, without presented the decree dated 27.04.1989, the same was refused by citing that the property situated in Ervadi Village is shown as Government land. Further as per the Circular in Na.Ka.No. 34930/C1/2019 dated 27.02.2023 *exparte* decree cannot be registered.

4. This matter is no longer *res integra*, in this regard, 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. In spite of the above said circular, the authorities mechanically refuse to register the documents. In this regard, a Division Bench of this Court in W.A.No.2174 of 2024 vide its order dated 22.07.2024, also held that the *exparte* decree cannot be refused to register on the ground that it is an *exparte* decree and there is no manner of doubt that an *exparte* decree is also a valid decree.



W.P.(MD)N.19472 of 2024

WEB COPY

5. In view of the above discussion, this Writ Petition is allowed and the impugned order is set aside. The second 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.

14.08.2024

NCC : Yes / No
Index : Yes / No
PJL

To

1. The Inspector General of Registration,
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2. The Sub Registrar,
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W.P.(MD)N.19472 of 2024

N.SATHISH KUMAR, J.

PJL

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