



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16048 & 16049 of 2018
and W.M.P.(MD)Nos.14316, 14317 of 2018

Malarkodi

... Petitioner in both petitions

Vs

1. The Sub Registrar,
Sub Registrar Office, Melakarur Sub Registration,
Karur.

2. Sakthivel

3. Pappayee

... Respondents in W.P(MD) No.16048 of 2018

1. The Joint Sub Registrar -II,
North Pradhakshanam Road,
Revenue Divisional Office Complex, Karur -1.

2. Sakthivel

3. Pappayee

... Respondents in W.P(MD) No.16049 of 2018

PRAYER IN WP(MD) No.16048 OF 2018: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings dated 21.05.2018 passed by the 1st respondent in Na.Ka.No.



229/2018 quash the same and consequently directing the 1st respondent to register the decree dated 18.04.2016 passed in O.S.No. 18 of 2015 on the file of Principal District Court, Karur.

PRAYER IN WP(MD) No.16049 OF 2018: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st respondent to register the charge decree, dated 18.04.2016 passed in O.S.No. 18 of 2015 on the file of Principal District Court, Karur by considering the petitioner's representation dated 20.02.2018 in respect of the properties as scheduled hereunder.

In both petitions:

For Petitioner	: Mr. M.P.Senthil
For Respondents	: Mr.P.Subbaraj (R1) Special Government Pleader Mr.S.Deenadhayalan (R2) Mr.K.G.Arunkumar (R3)

COMMON ORDER

The writ petition in W.P(MD) No.16048 of 2018 has been filed challenging the impugned proceedings, dated 21.05.2018 passed by the 1st respondent in Na.Ka.No. 229/2018 and consequently directing the 1st respondent to register the decree, dated 18.04.2016 passed in O.S.No. 18 of 2015 on the file of Principal District Court, Karur.

2.The writ petition in W.P(MD) No.16049 of 2018 has been filed seeking a direction to the respondents to register the decree, dated 18.04.2016 passed in O.S.No. 18 of 2015 on the file of Principal District Court, Karur by



considering the petitioner's representation dated 20.02.2018

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3.Heard M.P.Senthil, learned counsel appearing for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondent No.1, Mr.S.Deenadhayalan, learned counsel appearing for respondent No.2 and Mr.K.G.Arunkumar, learned counsel appearing for respondent No.3. Perused the materials available on record.

4.The very order of refusal to register the Decree itself is a clear non-application of mind. Once a certified copy of the decree is produced by the parties, it is the duty of the registering authorities to register the decree and order. Registration of Decree of the Court is optional as per section 18(cc) of Registration Act, 1908.

4.In such view of the matter, when the party presented the certified copy of the decree and judgment, it has to be registered. However, in the present case, the first respondent refused to register the Decree on the ground that copy of the same is not forwarded by the Court. Such an order is a clear non-application of mind.



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5.The learned counsel appearing for the private respondents would submit that the respondents 2 & 3 against the decree and judgment, has filed an appeal with delay and application for condoning delay is still pending.

6.Mere filing of appeal, which is not yet numbered cannot be a ground for rejection to register a document.

7.Accordingly, these writ petitions are allowed and the impugned proceedings in WP(MD) No.16048 of 2018, dated 21.05.2018 passed by the 1st respondent in Na.Ka.No. 229/2018 is hereby quashed. The 1st respondent is directed to to register the decree, dated 18.04.2016 pertaining to O.S.No. 18 of 2015 on the file of Principal District Court, Karur within a period of seven days from the date of receipt of copy of this order. No costs. Consequently connected Miscellaneous Petitions are closed.

08.08.2024

NCC : Yes/No

Index : Yes/No

PNM

To

The Sub Registrar,

Sub Registrar Office, Melakarur Sub Registration,
Karur.



2. The Joint Sub Registrar -II,
North Pradhakshanam Road,
Revenue Divisional Office Complex, Karur -1.



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N.SATHISH KUMAR, J.

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COMMON ORDER IN

W.P.(MD)No.16048 & 16049 of 2018

and W.M.P.(MD)Nos.14316, 14317 of 2018

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