



W.P.(MD)No.27528 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.27528 of 2024

T.John Thomas Jeyakumar @ Jeyakumar

... Petitioner

/Vs./

The Sub Registrar,
Kayalpatnam Sub Registrar Office,
Tuticorin District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to release the pending document P11/2024 in TP/180124011/2024 registration of the Decree in O.S.No. 183/2015 on the file of the District Munsif Court, Trichendur dated 02.12.2016, after completing the Registration Formalities, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.S.P.Maharajan

Special Government Pleader



W.P.(MD)No.27528 of 2024

WEB COPY

ORDER

This writ petition has been filed for a direction to the respondent to release the document, which is kept pending as pending document No.P11/2024.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on either side and perused the materials placed before this Court.

4. The petitioner obtained a decree of bare injunction in O.S.No. 183 of 2015 on the file of the District Munsif Court, Tiruchendur, by judgment and decree dated 02.12.2016 as against the defendants therein. It was presented for registration on 08.05.2024. However, it was refused to register and the respondent issued a refusal check slip dated 27.06.2024, which was challenged before this Court in WP(MD)No. 15073 of 2014. While pending writ petition, the petitioner approached the respondent to register the decree. It was received and kept pending



W.P.(MD)No.27528 of 2024

as pending document No.P11/24. Subsequently, the said writ petition was withdrawn by the petitioner.

5. The learned Special Government Pleader appearing for the respondent would submit that as per the Circular issued by the Inspector General of Registration in No.34930/C1/2019 dated 11.07.2024, any decree of the civil Court can be recorded in the book of records on condition that the petitioner shall have to file an affidavit stating that no appeal has been filed as against the decree sofar. The relevant portion of the said circular reads as follows:-

“In order to protect the interest of true owners, it is necessary for the registering authority to hold an enquiry in the case of presentation of a decree or order of Civil Court to ensure that the decree or order has reached finality and that the decree is not obtained by fraud or collusion. Though the registering authority has no jurisdiction to conduct an enquiry as to the real character of the decree, it is possible for him to require, production of minimum documents and affidavit from the concerned party so as to enable the registering authority to proceed further for the



W.P.(MD)No.27528 of 2024

cancellation, when it is brought to his notice that the statements on oath made by the party concerned in the affidavit and presented before the registration officer, at the time of presentation of the decree or order of Court is false."

6. In view of the above, the petitioner is directed to file an affidavit as per the Circular issued by the Inspector General of Registration in No.34930/C1/2019 dated 11.07.2024 before the respondent, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to register and release the document forthwith.

7. With the above direction, this writ petition is disposed of. No costs.

19.11.2024

Index : Yes / No
NCC : Yes / No
sm



WEB COPY



W.P.(MD)No.27528 of 2024

TO:-

The Sub Registrar,
Kayalpatnam Sub Registrar Office,
Tuticorin District.



WEB COPY



W.P.(MD)No.27528 of 2024

G.K.ILANTHIRAIYAN, J.

Sm

Order made in
W.P.(MD)No.27528 of 2024

Dated:
19.11.2024