



W.P.No.39832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.39832 of 2024

Ezhumalai

.... Petitioner

Vs

The Sub Registrar,
Tirukovilur Sub Registrar Office,
Kallakurichi District.

.... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondent to register the decree in O.S.No. 329 of 2017, dated 31.03.2023 presented by the petitioner.

For Petitioner : Mr.K.Gangadaran

For Respondent : Mr.C.Satish
Government Advocate

ORDER

The petitioner seeks a mandamus to the respondent to register the decree in O.S.No.329 of 2017 dated 31.03.2023, which



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has been presented for registration.

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2. The said decree is a compromise decree that had been entered into in a suit filed by the petitioner's father in O.S.No.329 of 2017 on the file of the I Additional District Court, Thirukovilur. When the same was presented, it has been returned by the respondent without being entertained, on the ground that it is a decree.

3. Heard Mr.K.Gangadaran, learned counsel appearing for the petitioner and Mr.C.Satish, learned Government Advocate takes notice on behalf of the respondent.

4. Section 17 of the Registration Act makes it compulsory for a compromise decree to be registered only if the compromise decree includes properties that are not part of suit schedule.

5. A perusal of the instant compromise decree clearly



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shows that it is entered into only in respect of properties, which are the subject matter of the suit. Therefore, there is no necessity for its registration. However, the petitioner seeks to register the decree so as to bring to the notice of all concerned that he has become the owner pursuant to the decree. The respondent does not have the authority to refuse registration of the decree, as the scope of the enquiry is restricted to verifying the execution of the documents, identity of the executing parties and in case of agents, assignees, etc, verifying their authority. Further, the refusal can be made only if the document fails to meet any of criteria set out in Section 22A of the Registration Act, as inserted by the Tamil Nadu Act.

6. Therefore, from any angle, the refusal on the part of the respondent to register the decree is without any basis. Therefore, a mandamus is issued to the respondent to register the decree in O.S.No.329 of 2017, dated 31.03.2023, within a period of two weeks from the date of re-presentation by the petitioner.



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7. With the above direction, this writ petition stands allowed. No costs.

03.01.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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To

The Sub Registrar,
Tirukovilur Sub Registrar Office,
Kallakurichi District.



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