

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.7459 of 2017

N.P.Indhumathi

.. Petitioner

Vs.

1. The District Registrar
Office of the District Registrar,
Chennai.
2. The Sub Registrar,
Office of the Sub Registrar,
West Tambaram,
Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent herein to receive the decree dated 28.7.2015 passed by the District Munsif, Tambaram in O.S.No.98 of 2011 and register the same in accordance with law.

For Petitioner : Mr.A.Tamilvannan

For Respondents: Mr.A.N.Thambidurai

Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. It is the case of the petitioner that she had filed a suit in O.S.No.98 of 2011 on the file of the District Munsif Court, Tambaram against the defendant seeking permanent injunction. The suit was decreed in her favour on 28.07.2015 and it was brought to her knowledge only in the month of June 2016. The petitioner applied for a copy application on 08.6.2016 and the same was made ready only on 10.02.2017. The petitioner with an intention to register the said decree approached the 2nd respondent herein. But the respondent

refused to receive the document and orally denied to accept it on the ground that the time limit for registering the said decree had expired.

3. The only grievance of the petitioner is that without even receiving the document, the second respondent had orally denied and refused to accept it stating it is barred by limitation. It is the contention of the petitioner that there cannot be a oral denial and any statement by an authority should be in writing. Hence, the petitioner is before this Court seeking direction to the second respondent to receive the decree in O.S.No.98 of 2011 and register the same.

4. The learned Special Government Pleader appearing for the respondents would contend that the registration of the document is patently barred by limitation, but it is always open to the authority to state the same in writing.

5. This Court heard the rival submissions and perused the materials placed before it.

6. Considering the limited scope of the prayer sought for by the petitioner, this Court, without going into the merits of the case, is of the view that it is always open to the petitioner to present the document for registration and an authority has every right to accept or reject the same in accordance with law by way of speaking order.

7. With the above observation, this Writ Petition is ordered. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To

1.The District Collector
Cuddalore District, Cuddalore 607001.

2.The Tahsildar
Cuddalore Taluk, Cuddalore
Cuddalore District.

3.The District Surveyor
Cuddalore, Cuddalore Taluk
Cuddalore District.

+1cc to Mr.Tamilvanan, Advocate, S.R.No.18864
+1cc to the Government Pleader, S.R.No.19463

WP.No.7459 of 2017

CP (CO)
RS (28/03/2017)



WEB COPY