

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18509 of 2018

Evelne Priya Anand
Rep. by its Power Agent
Eden Fredrick
S/o.Late Emmanuel Joshua
No.23, Old No.13/1, 2nd East Main Road
Gandhi Nagar, Vellore
Vellore District.

... Petitioner

-vs-

- 1.The District Registrar
Vellore District.
- 2.The Sub-Registrar
Kadpadi, Vellore District.
- 3.A.Manokaran
- 4.P.Navaraqthanmall Lalwani
- 5.V.Suresh

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to consider and dispose of the representation dated 23.11.2015 and another representation on 05.01.2018 by making necessary corrections and entries in the revenue records maintained by the 2nd respondent within a specified time prescribed by this Court in accordance with law.

For Petitioner :: Mr.G.Vinodh Kumar
For Respondents :: Mr.T.M.Pappiah,
Spl. Govt. Pleader [R1 & R2].

ORDER

The petitioner claims to be the owner of the property covered under a Registered Sale Deed dated 23.11.1998 bearing Document No.1728 of 1999 on the file of Sub Registrar Office,

Katpadi. Since the petitioner has employed at Baheain as Senior Medical Librarian, who also went abroad in the year 2002, the third respondent, being the husband of the petitioner's sister-in-law, was allowed to stay in her residence by the petitioner's husband. However, taking advantage of the permissive possession, the third respondent has created a forged sale deed and executed the same in favour of the fourth respondent. Assailing the same, the petitioner filed a Civil Suit in O.S.No.224 of 2013 on the file of the District Munsif Court at Vellore, seeking a decree for declaration of the suit property and also a consequential direction for permanent injunction. The said suit was decreed in favour of the petitioner on 16.03.2015. A copy thereof was made ready only on 15.04.2015. On receipt of such decree passed in O.S.No.224 of 2013 by the learned District Munsif, Vellore, a representation was given on 23.11.2015, requesting the Sub Registrar, Katpadi, Vellore District, the second respondent herein, to register the same with a further request to make necessary corrections and enter in the revenue records maintained by the second respondent. Since, it has not been done, the petitioner has come forward to this Court.

2. Learned Special Government Pleader appearing for the respondents, referring to Section 23 and 25 of the Registration Act, 1908, would submit that since the petitioner has obtained decree on 16.03.2015, he should have present the same for registration within 120 days, failing which another 120 days will be granted with fine. As the petitioner has not submitted the representation within the statutory period of 120 days, it has not been taken note of by the Sub Registrar till date.

3. Section 23 of the Registration Act, 1908 reads as follows:

"Time of presenting documents.- Subject to the provisions contained in sections 24, 25 and 26, no document other than a Will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final."

4. The petitioner has received the copy of the judgment and decree passed in O.S.No.224 of 2013 on 15.04.2015 and has given his representation for registration on 23.11.2015, i.e., after the statutory period of 120 days. Therefore, the second

respondent is hereby directed to consider and dispose of the representation of the petitioner on payment of necessary charges along with the fine amount.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To

1.The District Registrar
Vellore District.

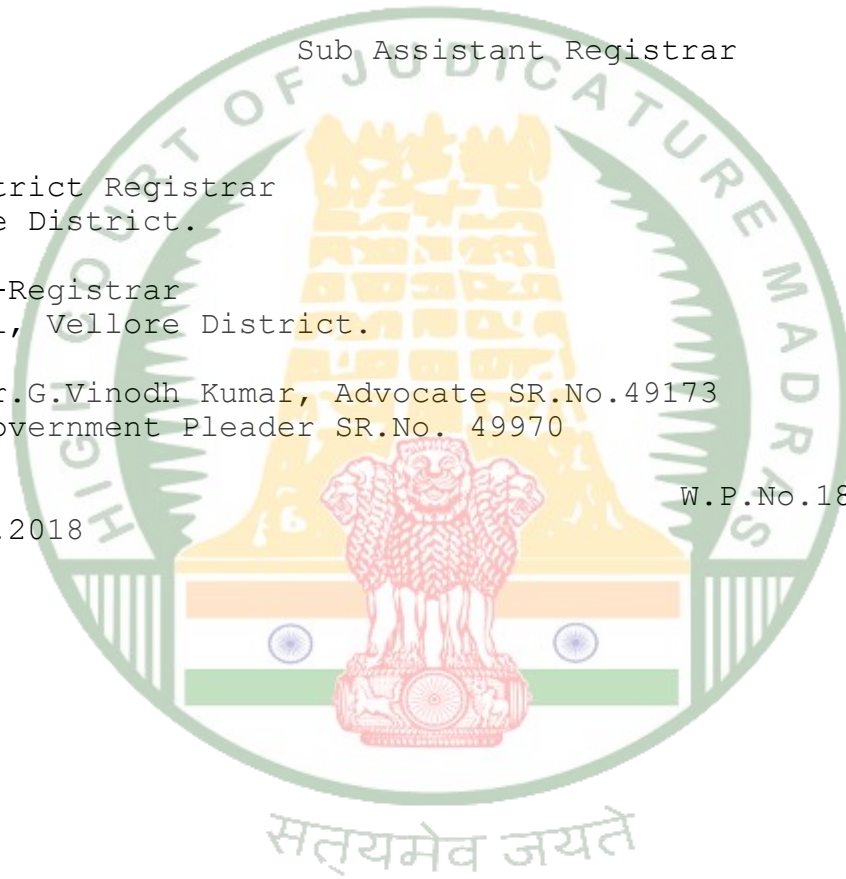
2.The Sub-Registrar
Kadpadi, Vellore District.

+1cc to Mr.G.Vinodh Kumar, Advocate SR.No.49173

+1cc to Government Pleader SR.No. 49970

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SMI/10.08.2018



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