

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30977 of 2018

S. Thangamuthu

.. Petitioner

Vs.

The Sub Registrar,
Thottipalayam, Tiruppur.

... Respondent

PRAYER: Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the respondent proceedings dated 19.09.2018 and quash the same and consequently direct the respondent to register the decree passed by the II Additional District Judge, Tiruppur, in O.S.No.230 of 2013.

For Petitioner : M/s.H.Manojin

For Respondent : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the respondent proceedings dated 19.09.2018 and quash the same and consequently direct the respondent to register the said amended decree passed by the II Additional District Judge, Tiruppur, in O.S.No.230 of 2013 dated 21.10.2016.

2. Heard the learned counsel appearing on behalf of the both parties and perused the materials placed before this Court.

3. Though the final decree was passed on 21.10.2016, the amended order was passed only on 29.06.2018. The petitioner has presented the same for registration on 19.09.2018, which is within a period of four months prescribed under Section 23 of the Registration Act. Further, it is seen from the records that

the impugned order also assigned two other reasons viz., (1) Index not entered correctly and (2) As per Section 22 of the Registration Act, the property is not clearly described. But, the refusal is only based on the point of limitation.

4. The learned counsel appearing for the respondent submitted that as per the amended decree, the document was presented within a time stipulated under the Act and there cannot be any impediment in the same.

5. Considering the facts and circumstances of the case, the proceedings dated 19.09.2018 on the file of the respondent is set aside and the respondent is directed to register the document, if it is otherwise in order.

6. With the above directions, this Writ Petition is allowed. There shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

The Sub Registrar,
Thottipalayam,
Tiruppur.

+lcc to Mr.H.Manojin, Advocate, Sr.82316
+lcc to the Government Pleader Sr.82928

सत्यमेव जयते

W.P.No.30977 of 2018

srg 21/12/2018

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