

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30231 of 2018
and W.M.P.No.35283 of 2018

P.Jyothsna

.. Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office, Ambattur,
Municipal Community Hall,
Gopalsamy Street,
Ram Nagar, Chennai - 600 053.

.. Respondent

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to register the judgment and decree dated 12.03.2010 in O.S.No.59 of 2008 passed by the Sub Judge, Poonamallee, the judgment and decree dated 07.08.2015 in A.S.No.36 of 2010 passed by the Principal District Judge, Tiruvallur and the judgment and decree dated 27.03.2017 in S.A.No.74 of 2017 passed by this Court in the Sale Deed Document No.1533 of 2008 dated 21.02.2008 and Deposit of Title Deed Document No.6340 of 2011, dated 11.07.2011 in Survey No.93, Plot No.42, to an extent of 3,300 Sq.ft, Athipattu Village, Ambattur Taluk (Old Saidapet Taluk), Tiruvallur District (Old Chengalpet M.G.R. District).

For Petitioner : Mr.T.Karunakaran

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

O R D E R

The instant Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondent to register the copy of the judgment and decree dated 12.03.2010 in O.S.No.59 of 2008 passed by the Sub Judge, Poonamallee, the judgment and decree dated 07.08.2015 in A.S.No.36 of 2010 passed by the Principal District Judge, Tiruvallur and the judgment and decree dated 27.03.2017 in S.A.No.74 of 2017 passed by this Court in

the Sale Deed Document No.1533 of 2008 dated 21.02.2008 and Deposit of Title Deed Document No.6340 of 2011, dated 11.07.2011 in Survey No.93, Plot No.42, to an extent of 3,300 Sq.ft, Athipattu Village, Ambattur Taluk (Old Saidapet Taluk), Tiruvallur District (Old Chengalpet M.G.R. District).

2. Originally, there was a suit in O.S.No.59 of 2008 filed by the petitioner/plaintiff which was decreed, against which, an appeal in A.S.No.36 of 2010 was preferred by the defendants. Aggrieved by the judgment rendered in the appeal, the appellants/defendants preferred S.A.No.74 of 2017 before this Court and the judgment was passed by this Court on 27.03.2017. A copy application was made on the same day and the copies were delivered on 18.04.2017.

3. In the normal circumstances, the document, viz., the copy of the decree, should be presented within a period of four months and if the presentation exceeds four months, the Registrar may direct that on payment of fine not exceeding 10 times the amount of the proper registration fee, the same shall be accepted for the registration.

4. The petitioner without taking out the application as contemplated under Clause 25(2) of the Registration Act, has directly approached this Court.

5. A reading of the order passed by the respondent dated 26.07.2018 shows that with the fine any document can be registered within eight months. But, in the present case, though there is a delay, the petitioner has already made an application on 07.06.2018.

6. In the above said circumstances, the document is being only a decree of the Court, the respondent/Sub Registrar, Ambattur, is directed to consider and register the documents as prayed for by the petitioner, on the application being made by the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order.

7. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Sub Registrar,
Sub Registrar Office, Ambattur,
Municipal Community Hall,
Gopalsamy Street, Ram Nagar, Chennai - 600 053.

+2 cc to Mr.T.Karunakaran, Advocate Sr.No.5475
+1 cc to The Government Pleader, Sr.No.5507

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GJ(CO)
CSL/21.02.2019