



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.06.2019
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.13920 of 2019

Regunathan Ambalam

... Petitioner

-Vs-

1.The District Registrar,
District Registrar Office,
Muthoorani North Street,
Aruna Nagar,
Karaikudi, Sivagangai Dt

2. The Sub-Registrar,
Sivaganga Raja Road,
Ramnagar, Devakottai.

... Respondents

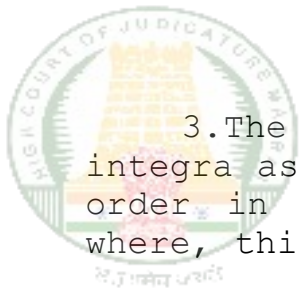
Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent herein to receive the documents and the judgment & decree dated 05.07.2018 passed by this Court in S.A.(MD) No. 346 of 2010 for registration and register the same, whenever submitted by the petitioner in respect of property in Plot NO. 20, T.S.No. 38, measuring 4,900 Sq.Ft. situated at Sri Meenakshi Amman Nagar, Devakottai Town Sivagangai District.

For Petitioner : Mr.AL.Kannan
For Respondents : Mr.M.Murugan, GA,

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 2nd respondent herein to receive the documents and the judgment & decree dated 05.07.2018 passed by this Court in S.A.(MD) No. 346 of 2010 for registration and register the same, whenever submitted by the petitioner in respect of property in Plot NO. 20, T.S.No. 38, measuring 4,900 Sq.Ft. situated at Sri Meenakshi Amman Nagar, Devakottai Town Sivagangai District.

2.Heard Mr.AL.Kannan, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.



3. The issue raised in this writ petition is no more res-integra as more recently, i.e. on 20.06.2019, this Court passed an order in a similar circumstance in W.P.(MD) No.13896 of 2019, where, this Court passed the following order:

"21. In the result, this Writ Petition is ordered with the following directions:-

"that the second respondent/registering authority is directed to register the civil Court decree in O.S.No.686 of 2004 on the file of the learned District Munsif, Madurai Taluk at Madurai by judgment and decree dated 04.07.2018 without insisting any limitation under Section 23 of the Registration Act, however, by collecting the necessary registration charges for the value of the suit covered under the decree, but not as per the guideline value of the property. The needful as indicated above shall be completed within a period of four weeks from the date of receipt of the document as well as the registration charges from the petitioner. Hence, it is open to the petitioner to resubmit the document i.e., civil Court decree with necessary registration charges and any other relevant documents required by the second respondent, immediately.

The first respondent i.e., the Inspector General of Registration shall issue necessary clarification to Circular dated 26.10.2002, where the first respondent shall specify that on the two reasons cited in this case no Court decree or order shall be refused/rejected by the registering authority and the charges to be levied as registration charges shall only be for the value of the suit and not the guideline value of the property concerned and such circular shall be issued to all Registrars'/ Sub Registrars' offices throughout the State."

4. Since in this writ petition also, the petitioner wants the decree passed by this Court dated 05.07.2018 in S.A.(MD) No.346 of 2010 to be registered by the 2nd respondent authority in respect of his property situated in Plot NO. 20, T.S.No. 38, measuring 4,900 Sq.Ft. situated at Sri Meenakshi Amman Nagar, Devakottai Town Sivagangai District, there shall be a similar order to that effect in this writ petition.



5. Accordingly,, this writ petition is disposed of, with the following direction:

"that the second respondent/registering authority is directed to register the decree of this Court dated 05.07.2018 made in S.A.(MD) No.346 of 2010 without insisting any limitation under Section 23 of the Registration Act, however, by collecting the necessary registration charges for the value of the suit covered under the decree, but not as per the guideline value of the property. The needful as indicated above shall be completed within a period of four weeks from the date of receipt of the document as well as the registration charges from the petitioner. Hence, it is open to the petitioner to resubmit the document ie., civil Court decree with necessary registration charges and any other relevant documents required by the second respondent, immediately."

No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Registrar,
District Registrar Office,
Muthoorani North Street,
Aruna Nagar,
Karaikudi, Sivagangai Dt

2. The Sub-Registrar,
Sivaganga Raja Road,
Ramnagar, Devakottai.

Arul

Order made in

W.P. (MD) No.13920 of 2019

Dated: 21.06.2019

NA (24.07.2019) 3P : 3C