



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.1350 of 2020

S.Kalyanakumar

: Petitioner

vs.

1.The Inspector General of Registration,  
No.100, Santhome High Road,  
Foreshore Estate, Pattinampakkam,  
Chennai-600 028.

2.The Sub-Registrar,  
Sholavandhan Sub Registrar Office,  
Sholavandhan, Madurai District.

: Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to register the final decree of partition in I.A.No.586 of 2015 in O.S.No.166 of 2013, dated 30.08.2017 on the file of the V Additional District Court, Madurai in respect of half share in respondent of lands in R.S.No.66/3B measuring to an extent of 0.33 cents; R.S.No.67/1 measuring to an extent of 0.84 cents in Kalligudi Village, Sholavandhan Sub District, Madurai South on payment of necessary charges considering the representation of the petitioner, dated 26.12.2019.

For Petitioner

:Mr.S.Manohar

For Respondents

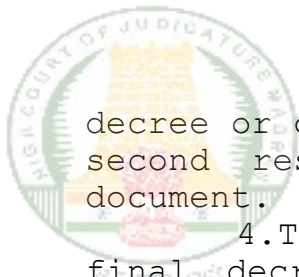
:Mr.V.Anand, Government Advocate

### **O R D E R**

This Writ Petition is filed for issuing a Writ of Mandamus to direct the second respondent to register the final decree of partition in I.A.No.586 of 2015 in O.S.No.166 of 2013, dated 30.08.2017 on the file of the V Additional District Court, Madurai.

2.The petitioner states that he was allotted half share in a property under final decree passed by the V Additional District Court, Madurai in O.S.No.166 of 2013. The petitioner, without presenting the document for registration in person, appears to have submitted a representation to the second respondent to register the decree by stating that he has prepared to pay necessary registration charges. The petitioner produced before this Court, the representation submitted by him on 26.12.2019. Stating that the second respondent has not given any reply, the petitioner has approached this Court.

3.The learned Government Advocate appearing for the respondents admitted the legal position that Section 23 of the Act does not apply to the decree or order of Court and that therefore, there is no impediment for registering the final decree in relation to the petitioner's property. However, the learned Government Advocate pointed out that the petitioner has not submitted the



decree or order before the second respondent and that therefore, the second respondent had no occasion to refuse to register the document.

4.The learned Counsel for the petitioner admitted that the final decree in the suit was not presented before the second respondent so far for registration. Hence, the Writ Petition is pre-mature. This Court has consistently taken a view that the registration of an order or decree of the Court can be presented for registration, irrespective of the date of decree and that Section 23 of the Registration Act has no application for registration of a decree or order of Court.

5.Considering the facts and circumstances of the case and the settled principles, this Court is inclined to disposed of the Writ Petition with the following directions:

6.The petitioner is directed to present the certified copy of final decree made on 30.08.2017 in I.A.No.586 of 2015 in O.S.No.166 of 2013 on the file of the V Additional District Court, Madurai before the second respondent within a period of two weeks from the date of receipt of a copy of this order. The second respondent shall accpt the document for registration without insisting the period of limitation as contemplated under Section 23 of the Registration Act 1908 or pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is the duty of second respondent to follow the procedure strictly in accordance with law, while considering the document for registration.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The Inspector General of Registration,  
No.100, Santhome High Road,  
Foreshore Estate, Pattinampakkam,  
Chennai-600 028.

2.The Sub-Registrar,  
Sholavandhan Sub Registrar Office,  
Sholavandhan, Madurai District.

3. The V Additional District Judge, Madurai.

+1 CC to M/s.S.MANOHAR, Advocate ( SR-6089[F] dated 13/02/2020 )

+1cc to Special Government Pleader, Sr.No.6114

sma/26/02/2020/2p/6c

W.P.(MD)No.1350 of 2020

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