

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.2538 of 2021

Smt.P.Anandhavalli Ammal

...Petitioner

-Vs-

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
- 2.The Deputy Inspector General of Registration,
No.50, Sankara Naidu Street,
Thiruppapuliur, Cuddalore - 607 002.
- 3.The District Registrar,
Registration Department,
No.63/40, Perumal Koil Street,
Tindivanam, Villupuram District - 604 001.
- 4.The Sub-Registrar,
O/o. the Sub-Registrar,
Mailam, Villupuram District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents herein to forthwith register the Judgment and Decree of this Honourable Court dated 02.03.2020 in S.A.No.812 of 2013 in the relevant Books of the Sub-Registrar Office, Mailam, without reference to the Notice dated 12.01.2021 issued in P31/2020 by the 4th Respondent herein.

For Petitioner : Mr.Muthumani Doraisami

For Respondents: Mr.T.M.Pappiah,
Special Government Pleader

ORDER

The petitioner approached the Sub Registrar, Mailam, Villupuram District/fourth respondent to register the compromise decree in S.A.No.812 of 2013 dated 02.03.2020, but it was presented well beyond the time for registering the documents, and on this ground, the Sub-Registrar has rejected to register the said decree Vide the proceedings in Na.Ka.No.207/2020, dated 23.09.2020 indicating that the document was belatedly presented for registration.

2. Heard Mr.Muthumani Doraisami, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents, and perused the documents.

3. The learned counsel for the petitioner brought to the notice of this Court in a judgment of this Court in K.Dhayanidhi vs. State of Tamil Nadu [2020 (2) TNCJ 737(Mad)], wherein, the Court has held, after relying on the judgment of the Division Bench of this Court in S.Sarvothaman v. The Sub Registrar at Oulgaret, Puducherry [2019(3)MLJ 517 = AIR 2019 Mad 125] that registering a decree of the Court is an optional registration and hence, the limitation prescribed under Sections 23 and 25 of the Act, would not apply.

4. The learned Special Government Pleader appearing for the respondents would submit that the Registration Act gives exception in the document and hence, the Sub-Registrar has refused to register the document.

5. The law declared by the Division Bench of this Court in S.Sarvothaman case cited supra, has settled the issue. The registration of a decree is only optional under Section 17(2) of the Registration Act, and therefore, the limitation prescribed under Section 23 of the Act, and the power to condone the delay after four months as provided under Section 25 of the Act, may not apply. There is however one exception to the rule in that, as per Section 17(2)(vi) of the Registration Act, where in a compromise decree, any properties other than the subject matter of the suit (in which compromise decree is passed) is included, then such compromise decree has to be registered under Section 17(1) of the Act. Therefore, except the category of compromise decrees as mentioned in Section 17(2)(vi) of the Registration Act, for all other categories of decrees, the Registering Authority has to register the same without reference to any limitation.

6. So far as the decree required to register in the present petition is concerned, the subject to what is herein above stated, the Registering Authority is required to register the same. The petition is allowed in the manner indicated. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tsg

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
- 2.The Deputy Inspector General of Registration,
No.50, Sankara Naidu Street,
Thiruppapuliur, Cuddalore - 607 002.
- 3.The District Registrar,
Registration Department,
No.63/40, Perumal Koil Street,
Tindivanam, Villupuram District - 604 001.
- 4.The Sub-Registrar,
O/o. the Sub-Registrar,
Mailam, Villupuram District.

+1 cc to M/s.Muthumani Doraisamy, Advocate Sr.No. 7175
+1 cc to The Government Pleader, Sr.No. 7875

W.P.No.2538 of 2021

MG (CO)
RMP (18/02/2021)

WEB COPY