

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.5581 of 2021

S.Kalpana

...Petitioner

-Vs-

1.The District Registrar,
O/o the District Registrar,
Krishnagiri District.

2.The Sub-Registrar,
Barur Sub-Registrar Office,
Barur, Pochampalli Taluk,
Krishnagiri District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relaing to the impugned order of the 2nd respondent in Refusal No.RFL/Barur/1/2021 dated 04.01.2021 and quash the same as the same is arbitrary, illegal and non-est in the eyes of law and consequently direct the 2nd respondent to register the court decree dated 07.07.2015 made in D.V.No.1 of 2015 on the file of the District Munsif Cum Judicial Magistrate Court, Uthangarai along with award passed by the Lok Adalat at Uthangarai on 07.07.2015.

For Petitioner : Mr.T.Arockia Dass

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

ORDER

The petitioner approached the Sub-Registrar, Barur Sub-Registrar Office, Barur, Pochampalli Taluk, Krishnagiri District/second respondent to register the court decree dated 07.07.2015, but it was presented well beyond the time for registering the documents, and on this ground, the Sub-Registrar has refused to register the document Vide Refusal No.RFL/Barur/1/2021 dated 04.01.2021 indicating that the document was belatedly presented for registration.

2. Heard T.Arockia Dass, 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.

6. So far as the court decree required to be registered in the present petition is concerned, 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 District Registrar,
O/o the District Registrar,
Krishnagiri District.

2.The Sub-Registrar,
Barur Sub-Registrar Office,
Barur, Pochampalli Taluk,
Krishnagiri District.

+1cc to M/s.Dass & Viswa Associates, SR.15084
+1cc to the Government Pleader SR.15188

W.P.No.5581 of 2021

PL(CO)
CB(31/03/2021)

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