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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 6.8.2021.

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.11775 of 2021

V.Manujunathan

Petitioner

vs.

1. The District Registrar,
Registration Department,
Tiruppur 641 666.

2. The Sub Registrar,
Registration Department,
Palladam 641 664.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of certiorarified mandamus calling for the records relating to the impugned Refusal Check Slip dated 21.4.2021 on the file of the second respondent herein, quash the same and consequently direct the 2nd respondent herein to register the Decree dated 31.1.2019 passed in O.S.No.15 of 2015 on the file of the District Munsif Court, Palladam.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.K.M.D.Muhilan

ORDER

The writ petition has been filed seeking a writ of certiorarified mandamus to quash the Refusal Check Slip issued by the second respondent Sub Registrar, Palladam dated 21.4.2001 refusing to register the decree in O.S.No.15 of 2015 dated 31.1.2019 claiming that it had been presented beyond the period of limitation as prescribed in Section 23 of the Registration Act, 1908.

2. The issue is no longer res integra in view of a series of judgments rendered by this court wherein it had been very



clearly stated that the issue of limitation cannot be held against the presentation of a Court decree before the Registrar.

3. On a careful reading of Section 23 of the Indian Registration Act, it could be seen that even though it would include a word 'decree', it would indicate that when there is an addition of a property as shown in the schedule given in the plaint and the decree actually obtained, then the Registrar can insist on the period of limitation, but, where the decree is in conformity with the plaint schedule, then the issue of limitation cannot be a bar and the decree presented for registration cannot be refused to be registered.

4. A series of judgments in this regard has been passed and I can cite a judgment dated 29.7.2021 in W.P.Nos.4591 of 2020, 13022 of 2021 and batch rendered by Justice V.Bharathidasan (Mani @ Devarasu v. The District Registrar, Dharmapuri & another).

5. I would fully agree with the finding in the said Judgment and direct for registration of the decree in O.S.No.15 of 2015 dated 31.1.2019 by the second respondent. The check slip issued by him is interfered with and is set aside. The writ petitioner herein may present the said decree for registration following the due process of law and I am confident that the second respondent would register the same and also release the document. No further orders are required in this writ petition. It is, accordingly, allowed. No order as to costs.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

ssk.

To

1. The District Registrar,
Registration Department,
Tiruppur 641 666.



2. The Sub Registrar,
Registration Department,
Palladam 641 664.

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+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.39011

+1cc to the Government Pleader, S.R.No.39474

W.P.No.11775 of 2021

PL (CO)
SU (02/09/2021)