



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM

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

W.P.No. 15291 of 2021

and

WMP.No.16174 of 2021

Kasthuribai

...Petitioner

Vs.

1. The District Registrar,
Combined Registration Department
Office Complex,
No.81, Old Hospital Road,
Gobichettipalayam Post & Taluk,
Erode - 638 452.

2. The Joint Sub Registrar No.1
Gobichettipalayam Sub Registrar Office,
Gobichettipalayam Post & Taluk,
Erode - 638 452.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in RFL/1 on the file of the 2nd respondent/the Joint Sub Registrar No.1, Gobichettipalayam dated 10.03.2021 and consequential proceedings in Na.Ka.1043/A1/2021 dated 12.03.2021 on the file of the 1st respondent and quash the same and further direct the 2nd respondent to register the decree made in O.S.No.180 of 2013 on the file of the Sub Court, Gobichettipalayam, Erode District dated 10.03.2020 relating to the dispute of properties.

For Petitioner .. Mr.D.Veerasekaran

For Respondent .. Mr.Yogesh Kannadasan
Govt.Advocate

ORDER

The petitioner herein had presented for registration a preliminary decree in O.S.No.180 of 2013 on the file of the Subordinate Court, Gobichettipalayam, dated 10.03.2020 before the second respondent/Joint Sub Registrar No.1 Gobichettipalayam, Sub Registrar Office for registration.



2.The said suit was a suit for partition and separate possession and by the said decree the petitioner's title was declared. When the decree was presented for registration, the second respondent had refused registration claiming that the decree had been presented for registration after a period of the limitation period fixed under Section 23 of the Registration Act, 1903. The registration of a decree and the period of limitation as questions had come up for consideration earlier in a batch of writ petitions before my learned Predecessor Mr.Justice V.Bharathidasan, who by an common order in W.P.No.13167, 13191, 13352, 13216/2021 dated 29.07.2021, after examining the law, held that there can be no limitation prescribed for presentation of a Court decree for registration. The petitioner herein naturally can take advantage of the said order. I would also grant a Mandamus to the first respondent to register the preliminary decree in O.S.No.180 of 2013 on the file of the Subordinate Court, Gobichettipalayam dated 10.03.2020 without insisting on the period of limitation. The said exercise by the second respondent should be completed within a period of four weeks from the date of receipt of presentation of the document afresh. The petitioner should pay requisite stamp duty and registration charges.

3.With the abovesaid observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sms

To

1. The District Registrar,
Combined Registration Department
Office Complex, No.81, Old Hospital Road,
Gobichettipalayam Post & Taluk, Erode - 638 452.

2. The Joint Sub Registrar No.1
Gobichettipalayam Sub Registrar Office,
Gobichettipalayam Post & Taluk,Erode - 638 452.

+1cc to Mr.D. Veerasekaran, Advocate, S.R.No.39129

+1cc to the Government Pleader, S.R.No39102

W.P.No.15291 of 2021 and
WMP.No.16174 of 2021

PL(CO)

RGA(02/09/2021)