



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.15689 of 2021

S.Prabakaran,
S/o. Subramaniya Gounder

... Petitioner

Vs.

1. The District Registrar,
Krishnagiri Dt.
2. The Sub-Registrar,
O/o. Sub-Registrar Office,
Uthangarai,
Krishnagiri Dt.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st Respondent herein to consider and pass orders on the petitioner's representation dated 10.12.2020, which was given to direct the 2nd respondent to register the decree passed by the Principal District Judge, Dharmapuri dated 28.10.2004 in A.S.No.53 of 2003.

For Petitioner : Mr.S.Sathish Rajan

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed seeking a direction directing the 1st respondent to consider the petitioner's representation dated 10.12.2020 seeking to direct the 2nd respondent to register the decree passed by the Principal District Judge, Dharmapuri dated 28.10.2004 in A.S.No.53 of 2003.

2. The grievance of the petitioner is that, the petitioner wants to register the decree passed in A.S.No. 53 of 2003, on



the file of Principal District Judge, Dharmapuri and he has presented the same before the 2nd respondent for registration. The 2nd respondent had refused to even receiving the document for registration on the ground that it has been filed beyond the period of limitation prescribed under Sec.23 of Registration Act. Hence, the present Writ Petition has been filed by the petitioner.

3. Considering the fact that, this Court in a judgment passed W.P. Nos. 4591 of 2020, 13022 etc. of 2021 dated 29.07.2021 has held that the limitation prescribed under Sec.23 of the Registration Act is not applicable for registering the decree, the respondent cannot refuse to register the decree on the ground of delay. In the said circumstances, the 2nd respondent Sub-Registrar is directed to register the document within a period of two weeks from the date of receipt of a copy of this order without any reference to the limitation prescribed under Section 23 of the Registration Act, if the document is otherwise in order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1. The District Registrar,
Krishnagiri Dt.
2. The Sub-Registrar,
O/o. Sub-Registrar Office,
Uthangarai,
Krishnagiri Dt.

+1cc to the Government Pleader, S.R.No.37357

W.P.No.15689 of 2021

GMI (CO)
SB(23/08/2021)