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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.15983/2021

[Video Conferencing]

R.Gopi

... Petitioner

Versus

1. The Inspector General of Registration
No.100, Santhome High Road,
Mandavellipakkam,
Raja Annamalaipuram
Chennai - 600 028.

2. The Sub Registrar,
Kundrathur,
Chennai - 600 069,
Kancheepuram District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the 2nd respondent, to quash the impugned refusal check slip bearing No.RFL/Kundathur/11/2021 dated 22.03.2021 and consequently direct the 2nd respondent to receive, admit and register the Court Decree dated 26.10.2016 passed in OS.No.22/2014 on the file of the Additional District Court, Poonamallee in respect of vacant land comprised in Survey No.145/2 measuring an extent of 1 [one] acre situated at Mettupalayam Village, Kannapalayam, Sriperumbudur Taluk.

For Petitioner : Mr.N.Premkumar

For R1 & R2 : Mr.Yogesh Kannadasan
Government Advocate



ORDER

1. Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondents.

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2. The writ petition has been filed in the nature of a certiorarified mandamus, seeking a direction against the 2nd respondent to receive and register the Court Decree dated 26.10.2016 passed in OS.No.22/2014 on the file of the Court of Additional District Judge, Poonamallee, with respect to a vacant land in S.No.145/2, measuring 1 acre at Mettupalayam Village, Kannapalayam, Sriperumbudur Taluk, Kancheepuram District.

3. The Sub Registrar, Kundrathur/2nd respondent herein, had refused to receive the document and register the same. As a matter of fact, he had given a Check Slip based on Section 23 of the Registration Act, claiming that the document should be presented within a period of four months from the date of decree. Section 23 of the Registration Act, does contain the word 'decree'. But a careful reading of the said provision would indicate that whether any other property had been added in the decree, if for eg., in a compromise, then stipulation of the said decree to be registered within a period of four months would apply. But if the Schedule of the property remains the same, viz., schedule as what stated in the plaint, then there is no strict necessity to present the document for registration within a period of four months. Such an interpretation will necessarily have to be given and I am also informed that a learned Single Judge of this Court, viz., the Hon'ble Mr.Justice V.Bharathidasan, has also upheld the very same legal principle and had directed registration of the Court decree which had been produced even after a period of four months. The only caveat is that additional properties should not have been shown in the Decree.

4. The learned counsel for the petitioner, in the instant case, states that the decree confirms to the property as given in the plaint. Therefore, the Sub Registrar, Kundrathur, has wrongly interpreted Section 23 of the Registration Act and is placed under obligation to receive the document now presented for registration and register the same provided the document is otherwise in order.

5. If the document had already been produced, an obligation is placed on the Sub Registrar, Kundrathur, to register the same within a period of six weeks from the date of receipt of a copy of this order, which may be forwarded by the learned counsel for the petitioner also.



6. With the above said observations, the writ petition stands allowed and the impugned Check Slip dated 22.03.2021 stands quashed. No costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Inspector General of Registration
No.100, Santhome High Road,
Mandavellipakkam,
Raja Annamalaipuram
Chennai - 600 028.
2. The Sub Registrar,
Kundrathur,
Chennai - 600 069,
Kancheepuram District.

+1cc to Mr.N.Premkumar, Advocate, S.R.No.37238
+1cc to the Government Pleader, S.R.No.37715

W.P.NO.15983/2021

PM(CO)
PBS/23/08/2021