



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.NO.17159/2021 & WMP.NO.18181/2021

[VIDEO CONFERENCING]

G.Senthilmurugan

... Petitioner

Versus

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

2.Sub Registrar Joint-I  
Sub Registration Office  
Rangampalayam, Erode-9.

... Respondents

Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records of the impugned order in Na.Ka.No.2660/U/2021 dated 05.07.2021 passed by the 2<sup>nd</sup> respondent, quash the same and further direct the 2<sup>nd</sup> respondent to register the decree passed in OS.No.772/2019 dated 11.11.2019 on the file of the learned I Additional Sub Judge, Erode.

|                 |   |                                             |
|-----------------|---|---------------------------------------------|
| For Petitioner  | : | Mr.M.V.Venkataseshan                        |
| For Respondents | : | Mr.Yogesh Kannadasan<br>Government Advocate |

ORDER

- (1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondents.
- (2) The petitioner had the benefit of a decree in OS.No.772/2019 passed by the learned I Additional Sub Judge at Erode, which suit has been instituted for partition. Pending suit, the matter was referred to the Lok Adalat, where the matter was settled amicably between the parties and thereafter, a decree had been passed on 11.11.2019.



WEB COPY

- (3) The petitioner presented the said decree which was dated 11.11.2019, for registration before the 2<sup>nd</sup> respondent/Sub Registrar Joint-I, Rangampalayam, Erode District. The Sub Registrar had refused to entertain registration of the said decree and had informed by way of the impugned order that the decree had been presented beyond the period of limitation as stipulated under Section 25 of the Registration Act, 1909.
- (4) The registration of a decree actually comes under Section 23 of the Registration Act, 1909, wherein a time period of four months is given for presenting such a decree for registration. However, that particular section has come under the scrutiny of this Court and by a common order in a batch of writ petitions in WP.Nos.13167, 13191, 13352 and 13206/2021 dated 29.07.2021, a learned Single Judge of this Court had held that the period of limitation would not apply to the Court decree and would apply only when additional properties are included in the decrees. Here, that is not the case.
- (5) Therefore, a direction is issued to the 2<sup>nd</sup> respondent/Sub Registrar, Rangampalayam, Erode District, to register the decree in OS.No.772/2019 dated 11.11.2019 whenever presented by the petitioner. The petitioner is directed to once again apply online for registration of the said decree and on presentation of the same, the Sub Registrar necessarily have to register the same on payment of appropriate stamp duty and registration charges and release the document to the petitioner herein. I am confident that the Sub Registrar would do the needful without any unnecessary delay.
- (6) The writ petition stands allowed and the impugned order in Na.Ka.No.2660/U/2021 dated 28.07.2021 is set aside. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-  
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

AP



To

1. The I Additional Subordinate Judge,  
Erode.
2. The Inspector General of Registration  
No.100, Santhome High Road  
Chennai 600 028.
3. Sub Registrar Joint-I  
Sub Registration Office  
Rangampalayam, Erode-9.

+1cc to M/S.M.V.Venkataseshan, Advocate, SR.No.41235

+1cc to Government Pleader, SR.No.41497

WP.No.17159/2021

PCH(CO)  
PM(06/09/2021)