



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

WEB COPY

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.18544 of 2021

N.Kaleeswari

... Petitioner

Versus

The Joint II Sub-Registrar,  
Neiperuchal Village,  
Tiruppur Taluk,  
Tiruppur.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to register the Certified Copy of Decree and Judgement in O.S.No.177 of 2019, dated 03.08.2020 on the file of District Munsif Court, Tiruppur, on payment of registration charges alone without insisting on the period of limitation under Section 23 of Registration Act, 1908.

For Petitioner : Mrs.Revathi Manivannan.

For Respondent : Mr.K.M.D. Muhilan,  
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondent to register the Certified Copy of Judgment and Decree in O.S.No.177 of 2019, dated 03.08.2020 on the file of District Munsif Court, Tiruppur, on payment of registration charges alone without insisting on the period of limitation under Section 23 of the Registration Act, 1908.

2. According to the petitioner, the petitioner's parents have jointly purchased a property situated in S.F.No.515 of 15, Velampalayam Village, Tiruppur, by way of sale deed, dated 01.02.1988 from one Mr.Kanagarathinam for valuable sale consideration and peaceful possession and enjoyment of the same.



After the demise of her parents, the aforesaid property has divided into three equal shares among the legal heirs of the deceased and the parties are in the possession of the property. On 30.09.2015, the petitioner's sister namely Mrs.Vijayalakshmi along with her husband, son and her brother namely Mr.Selvakumar have tried to interfere with the peaceful possession of the petitioner's property. Therefore, the petitioner along with his brother filed a suit in O.S.No.177 of 2019 before the District Munsif Court, Tiruppur, for permanent injunction and after scrutinizing the documents, the trial Court passed judgment and decree in the Original Suit, dated 03.08.2020. Subsequently, the copy of the judgment and decree made ready only on 23.09.2020. Due to the COVID-19 pandemic situation, the petitioner could not present the copy of the judgment and decree before the respondent for registration within three months. On July, 2021, when the petitioner had approached the respondent/Sub Registrar herein, to register the aforesaid judgment and decree, the respondent has refused to register the certified copy of the judgment and decree in O.S.No.177 of 2019 on the file of District Munsif Court, Tiruppur. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. Heard both sides and perused the materials available on record.

4. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondent to consider the petitioner's fresh representation and dispose of the same within a stipulated time that may be framed by this Court.

5. He further submitted that he has observed U/s.23 of the Registration Act, 1908 which reads as follows:-

"23. Time for presenting documents.-

Subject to the provisions contained in Section 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution; Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final."

6. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's



representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, the petitioner is directed to give a fresh representation to the respondent herein, after receiving the representation, the respondent is also directed to consider the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Joint II Sub-Registrar,  
Neiperuchal Village,  
Tiruppur Taluk,  
Tiruppur.

+lcc to M/s.Revathi Manivannan, Advocate Sr.44999  
+lcc to the Government Pleader Sr.44880  
+lcc to M/s.P.T.Ramadevi, Advocate Sr.44927

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srg 18/10/2021