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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.18478 OF 2021

Basha Jathi ... Petitioner
Rep. By her Husband & Power of Attorney,
Mr.P.Mohammed Hussain

Versus

1. The District Registrar,
District Registrar Office
Velapadi,
Vellore - 632 001.
 2. The Sub Registrar
O/o.the Sub Registrar,
Thirupathur - 635 601
Thirupathur District.
- ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings under Na.Ka.No.415 of 2021 dated 09.08.2021 on the file of the second respondent, pertaining to the issue of registration of final decree dated 19.04.2013 passed in O.S.No.19 of 2005 by the District and Sessions Court No.3, Thirupathur, and quash the same and further direct the 2nd respondent to register the said final decree.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus directing the 2nd respondent to register the final decree dated 19.04.2013 passed in O.S.No.19 of 2005 by the District and Sessions Court No.3, Thirupathur, within the time to be stipulated by this Court.



2. The facts in the present case are similar to that effect in W.P.(MD).Nos.8091, 8093 & 9446 of 2020 which were disposed of by this Court on 25.06.2021 and the relevant portion of the said order reads as follows:-

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"21.In view of the settled law, the Sub Registrar cannot refuse to register any order or decree only on the ground that the same has been presented beyond the period of limitation provided under Section 23 of the Act. Hence, the Sub Registrar shall entertain the certified copy of the decree that is presented by the petitioners and shall register the same.

22.Insofar as the next issue regarding the registration fee that has to be levied, the law is no longer res-integra and this Court in the case of K.Krishnan referred supra has categorically held that the registration fees should be levied only on the total value of the suit and not on the value of the property. Therefore, the respondent cannot insist for the payment of the registration fees based on the value of the property.

23.In view of the above discussion, all these writ petitions are disposed of with a direction to the respondents to register the certified copy of the decree that is presented for registration by the petitioners and the registration fee shall be levied only on the total value of the suit. It is also made clear that no stamp duty is leviable while registering any order or decree. No costs."

3. Following the above extracted order of this Court, the present writ petition is also disposed of with a direction to the 2nd respondent to register the final decree dated 19.04.2013 passed in O.S.No.19 of 2005 by the District and Sessions Court No.3, Thirupathur, that is presented for registration by the petitioner and the registration fee shall be levied only on the total value of the suit. It is also made clear that no stamp duty is leviable while registering any order or decree. No costs."

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gba



To

1. The District Registrar,
District Registrar Office
Velapadi,
Vellore - 632 001.

2. The Sub Registrar
O/o.The Sub Registrar,
Thirupathur - 635 601,
Thirupathur District.

+1cc to Mr.C.D.Sugumar, Advocate, S.R.No.44500
+1cc to the Government Pleader, S.R.No.45231

W.P.NO.18478 OF 2021

SMI (CO)
PBS/27/10/2021