



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.18952 of 2021

(Through Video Conferencing)

J.Gandhi

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome, Chennai.

2.The District Registrar (Administration),
District Registration Office, Chengalpattu.

3.The Sub Registrar,
Thirupporur, Chengalpattu District.

4.The Sub Registrar,
Thirukkazhukkundram,
Chengalpattu District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct respondents to dispose the representation of the petitioner dated 28.07.2021 by registering the pending document, viz., P/Thirupporur/238/2020 in terms of the order passed in W.P.(MD) No.13896 of 2019 by this Court.

For Petitioner : Mr.N.Sivaprakash

For Respondents : Mr.K.M.D.Muhilan, G.A.

O R D E R

This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, to direct respondents to dispose the representation of the petitioner dated 28.07.2021 by registering the pending document, viz., P/Thirupporur/238/2020 in terms of the order passed in W.P.(MD) No.13896 of 2019 by this Court.



2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. Considering the pending document of the petitioner, i.e. P/Thiruporur/238/2020, the second respondent is directed to consider the representation dated 28.07.2021 and pass appropriate order in accordance with law within a period of six weeks from the date of receipt of a copy of this order. While disposing the representation, the second respondent shall keep in mind the observations of the Madurai Bench of this Court in the case of K.Krishnan Vs. Inspector General of Registration and others, by its order dated 20.06.2019 in W.P.(MD) No.13896 of 2019, wherein, it has been held as follows:-

14. Therefore, it has been made clear by the said Division Bench judgment that, the limitation prescribed under the Act i.e., under the proviso to Section 23 of the Act cannot stand attracted, insofar as the limitation is concerned for registration of Court decree, since it is not compulsorily registrable document. In other words, as any other document, which are to be registered compulsorily under the Registration Act, the Court decree and orders need not be registered compulsorily. Therefore, it is only optional, by exercising such option, if the parties desire to register any decree or order of the Court, the same can be treated only as an optional registration, for which, the limitation prescribed under Section 23 of the Act cannot be strictly construed as a mandatory requirement. Therefore, it can only be treated as directory and therefore, the mandatory requirement of registration of document within four months as contemplated under Section 23 of the Act cannot be put against any party, who wants to register the Court decree or order.

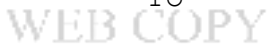
4. Thus, this Writ Petition is disposed. No cost.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



To

- ```
gpl[co]
srg 28/10/2021
```