



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19177 of 2021

B.Nandakumar

... Petitioner

Versus

1. The Sub-Registrar,
Vaniyampadi Sub-Registrar Office,
Taluk Office Campus,
Government Garden, Katcheri Road,
Ammurpettai, Vaniyambadi-635 751.
2. The District Registrar,
Integrated Building of Registration Department,
Veppamara Street, Velppadi,
Vellore - 632 001.
3. The Deputy Inspector of General,
Integrated Building of Registration Department,
Veppamara Street, Velppadi,
Vellore - 632 001.
4. The Inspector General,
Tamil Nadu Registration Department,
100, Santhome High Road,
Chennai - 600 028.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for records in number RFL/Vaniyampadi/12/2021 dated 10.08.2021 and quash the same and consequently, direct the 1st respondent to register the judgement and decree passed by the learned Subordinate Judge, Vaniyambadi in A.S.Nos.36 of 2014 and 6 of 2015, dated 26.07.2018.

For Petitioner : Mr.S.Namasivayam

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



ORDER

This writ petition has been filed challenging the proceedings in number RFL/Vaniyampadi/12/2021 dated 10.08.2021 and for consequential direction to the first respondent to register the Judgment and Decree in A.S.Nos.36 of 2014 and 6 of 2015.

2. The petitioner intends to register the Judgment and Decree in A.S.Nos.36 of 2014 and 6 of 2015. The Sub Registrar, Vaniyampadi Sub Registrar Office, had refused to register the same. Since the petitioner has come to register the aforesaid judgment and decree after a lapse of three years. Due to COVID-19 pandemic was declared on 23.03.2020, the petitioner could not register the same on time. Aggrieved by the same, the present writ petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the copy of the order in S.A.Nos.602 and 603 of 2018, dated 24.01.2019, was made ready only on 04.11.2019 and therefore, the petitioner could not register them immediately, before the expiry of four months as prescribed in Section 23 of the Registration Act. Subsequently, the Hon'ble Supreme Court in SLP.No.3 of 2020 has directed that in view of COVID-19 Pandemic, limitation will not be applicable for any proceedings from 1.03.2020. Despite the same, the first respondent, namely. Sub Registrar refused to register the judgment and decree in A.S.Nos.36 of 2014 and 6 of 2015.

4. Considering the above facts and circumstances of the case, the impugned order in RFL/Vaniyampadi/12/2021 dated 10.08.2021 is hereby set aside and accordingly, the Writ Petition is allowed. The first respondent/Sub Registrar is directed to register the petitioner's judgment and decree in A.S.Nos.36 of 2014 and 6 of 2015 within a period of twelve weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gba/msm



To

1. The Sub-Registrar,
Vaniyampadi Sub-Registrar Office,
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Chennai - 600 028.

Copy to:

The Subordinate Judge,
Vaniyambadi,
Vellore District

+5CCs to Mr.S.Namasivayam, Advocate, Sr.No.46276

+1CC to Mr.Government Pleader, Sr.No.46487

W.P.No.19177 of 2021

NR (CO)

K.RK. (06.10.2021)