

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM: JUSTICE N.SESHASAYEE

W.P.No.17151 of 2020

N.Govindarajan

...Petitioner

-Vs-

1. The District Registrar,
Office of the District Registrar, (Chennai South),
Anna Salai, Mount Road,
Chennai-600 035

2.The Sub Registrar,
Office of the District Registrar (Chennai South),
Anna Salai, Mount Road,
Chennai-600 035

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to register the certified copy of judgment passed by this Hon'ble Court in (i) Tr.C.S.No.543 of 2010 dated 08.11.2016 (ii) CRP.PD No.1756 of 2017 dated 28.04.2018 and (iii) Review petition no.270 of 2018 in CRP.PD No.1756 of 2017 dated 29.04.2019 in respect of the property situated in S.Nos.6530, 117/8, 118/5, 120/3 and total extent of property 2 grounds and 1900 sq.ft at No.22/27, Krishna Street, T.Nagar, Chennai 600 017 in view of the petitioner's representation dated 09.10.2020 within the time frame.

For Petitioner : Mr.A.Esakkiappan

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

ORDER

The petitioner approached the Sub Registrar, Anna Salai, Mout Road, Chennai, 2nd respondent herein, seeking to register the documents, viz., judgments/orders passed by this Hon'ble Court in (i) Tr.C.S.No.543 of 2010 dated 08.11.2016 (ii) CRP.PD No.1756 of 2017 dated 28.04.2018 and (iii) Review petition no.270 of 2018 in CRP.PD No.1756 of 2017 dated 29.04.2019 in respect of the property situated in S.Nos.6530, 117/8, 118/5, 120/3 and total extent of property 2 grounds and 1900 sq.ft at No.22/27, Krishna Street, T.Nagar, Chennai 600 017. Since the Sub-Registration has not taken initiative to register the same, the petitioner has come forward with the present Writ Petition.

2. Heard Mr.A.Esakkiappan, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents, and perused the documents.

3. The learned counsel for the petitioner brought to the notice of this Court in a judgment of this Court in K.Dhayanidhi vs. State of Tamil Nadu [2020 (2) TNCJ 737(Mad)], wherein, the Court has held, after relying on the judgment of the Division Bench of this Court in S.Sarvothaman v. The Sub Registrar at Oulgaret, Puducherry [2019(3)MLJ 517 = AIR 2019 Mad 125] that registering a decree of the Court is an optional registration and hence, the limitation prescribed under Sections 23 and 25 of the Act, would not apply.

4. The learned Special Government Pleader appearing for the respondents would submit that the Registration Act gives exception in the documents and hence, the Sub-Registrar has refused to register the documents.

5. The law declared by the Division Bench of this Court in S.Sarvothaman case cited supra, has settled the issue. The registration of a decree is only optional under Section 17(2) of the Registration Act, and therefore, the limitation prescribed under Section 23 of the Act, and the power to condone the delay after four months as provided under Section 25 of the Act, may not apply. There is however one exception to the rule in that, as per Section 17(2)(vi) of the Registration Act, where in a compromise decree, any properties other than the subject matter of the suit (in which compromise decree is passed) is included, then such compromise decree has to be registered under Section 17(1) of the Act. Therefore, except the category of compromise decrees as mentioned in Section 17(2)(vi) of the Registration Act, for all other categories of decrees, the Registering Authority has to register the same without reference to any limitation.

6. So far as the judgments/orders are required to register in the present petition is concerned, subject to what is herein above stated, the Registering Authority is required to register the same. The petition is allowed in the manner indicated. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
Office of the District Registrar, (Chennai South),
Anna Salai, Mount Road,
Chennai-600 035

2.The Sub Registrar,
Office of the District Registrar (Chennai South),
Anna Salai, Mount Road,
Chennai-600 035.

+2cc to Mr.A.Esakkiappan, Advocate, S.R.No.8891.
+1cc to the Government Pleader, S.R.No.9211.

SKY (CO)
CSR 22.03.2021

W.P.No.17151 of 2020



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