

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM: JUSTICE N.SESHASAYEE

W.P.No.19713 of 2020

K.Govindaraj

...Petitioner

-Vs-

1.The District Registrar,
Registration Department,
Coimbatore District,
Coimbatore.

2.The Sub-Registrar,
Registration Department,
Gandhipuram,
Coimbatore - 641 012.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip dated 30.09.2020 on the file of the 2nd Respondent herein, quash the same and consequently direct the 2nd Respondent herein to register the Order dt.13.04.2009 passed in W.P.No.18324 of 2008 on the file of this Hon'ble Court, Madras.

For Petitioner : Mr.K.Govi Ganesan
For Respondents : Mr.B.Kannan,
Government Advocate

ORDER

The petitioner approached the Sub-Registrar, Gandhipuram, Coimbatore/ 2nd respondent to register the Writ Order in W.P.No.18324 of 2008 dated 13.04.2009, but it was presented well beyond the time for registering the documents, and on this ground, the Sub-Registrar has issued a check slip indicating that the document was belatedly presented for registration.

2. Heard Mr.K.Govi Ganesan, learned counsel for the petitioner and Mr.B.Kannan, learned Government Advocate 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 Government Advocate appearing for the respondents would submit that the Registration Act gives exception in the document and hence, the Sub-Registrar has refused to register the document.

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.

6. So far as the Writ Order required to be registered 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

Tsg

To

1.The District Registrar,
Registration Department,
Coimbatore District,
Coimbatore.

2.The Sub-Registrar,
Registration Department,
Gandhipuram,
Coimbatore - 641 012.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.7966

W.P.No.19713 of 2020

GPL (CO)
KKV/18/03/2021