



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.22216 of 2021  
and  
W.M.P. No.23434 of 2021

K.C. Palanisamy

... Petitioner

-Vs-

1. The District Registrar,  
Tiruppur District,  
Tiruppur.

2. The Sub Registrar  
Avinashi, Tiruppur District.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the 1st respondent dated 30.07.2021 made in Na.Ka.No.1972/AA1/2021 in confirming the order of the 2nd respondent dated 16.03.2021 made in refusal check slip reference No.RFL/Avinashi/2/2021 refusing to register the Court Decree dated 11.12.2017 made in O.S. No.221 of 2017 before the Sub-ordinate Court, Avinashi, Tiruppur District and to quash the same and consequently direct the 2nd respondent to register the said decree and to return the documents on its registration forthwith and to pass appropriate orders accordingly.

For Petitioner :: Mr.N.Anand

For Respondent :: Mr.Yogesh Kannadasan  
(Government Advocate)

O R D E R

The Writ petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned orders passed by the 1st respondent dated 30.07.2021



made in Na.Ka.No.1972/AA1/2021 in confirming the order of the 2nd respondent dated 16.03.2021 made in refusal check slip reference No.RFL/Avinashi/2/2021 refusing to register the Court Decree dated 11.12.2017 made in O.S. No.221 of 2017 before the Sub-ordinate Court, Avinashi, Tiruppur District and to quash the same and consequently direct the 2nd respondent to register the said decree and to return the documents on its registration forthwith and to pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent as well as perused the material available on records.

3. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, it is seen that the Hon'ble Sub-Court, Avinashi passed Compromised Decree dated 06.03.2017 for partition in respect of the properties comprised in Survey Nos.505/1, 505/2A, 505/2B, 452, 511/4, 506 and 456/1A1 situate at Cheyur Village, Avinashi Taluk, Tiruppur District. While the petitioner approached the 2nd respondent on 16.03.2021 to register the Decree passed by the Sub-Court, Avinashi, having paid necessary charges, the same was returned with the refusal Check Slip stating that the document was presented beyond the period of limitation as provided under Section 23 of the Act in RFL/Avinashi/2/2021 dated 16.03.2021. Aggrieved, the appeal was preferred by the petitioner herein before the 1st respondent, the same was dismissed by confirming the order of the 2nd respondent by an order dated 30.07.2021 in Na.Ka.No.1972/AA1/2021. Hence this Writ Petition.

4. In view of the observations in the Judgment dated 20.06.2019 in W.P. (MD) No.13896 of 2019 passed by this Court as well as the Nation wide lock down due to Covid 19, the 2nd respondent is directed to register the certified copy of the compromised decree dated 06.03.2017 passed in O.S. No.221 of 2017 on the file of the Hon'ble Subordinate Court, at Avinashi on payment of necessary stamp duty and necessary registration charges and without insisting on the period of limitation under Section 23 of the Registration Act, 1908, within a period of four Weeks from the date of receipt of copy of this order.



5. In the result, the Writ petition is allowed setting aside both impugned orders passed by the respondents 1 and 2 herein. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

SD/-  
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Lbm  
To:

1. The District Registrar,  
Tiruppur District,  
Tiruppur.
2. The Sub Registrar,  
Avinashi,  
Tiruppur District.

+1cc to Mr.C.Prabakaran, Advocate Sr.53960

W.P. No.22216 of 2021  
and  
W.M.P. No.23434 of 2021

spd[col]  
srg 21/12/2021