



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24484 of 2021

Mr.K.N.Palanisamy

... Petitioner

-Vs-

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600 028.

2.The Sub-Registrar,
Periyamayakkan Palayam Sub Registrar Office,
Coimbatore District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to register the Certified Copy of the Compromise final Decree, dated 15.06.2017, passed in the Suit in O.S.No.119 of 2017, on the file of the First Additional Subordinate Judge, Coimbatore, on payment of registration charges alone without insisting for payment of any stamp duty and without insisting on the period of limitation under Section 23 of the Registration Act, 1908.

For Petitioner : Mr.R.Chakkaravarthy

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader.

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to register the certified copy of the Compromise Final Decree, dated 15.06.2017, passed in the Suit in O.S.No.119 of 2017, on the file of the I Additional Subordinate Court, Coimbatore, on payment of registration charges alone without insisting for payment of any stamp duty and without insisting on the period of limitation under Section 23 of the Registration Act, 1908.

2. Heard, Mr.R.Chakkaravarthy, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.



3. The petitioner filed a suit for partition and permanent injunction in O.S.No.119 of 2017 on the file of the I Additional Subordinate Court, Coimbatore. Pending the said suit, there was a compromise between the petitioner and the counter party and final decree was passed on 15.06.2017 on the compromise. The petitioner obtained certified copy of the decree on 19.12.2018. Thereafter, he suffered from illness and as such, he presented the decree to register the same before the second respondent. However, the second respondent refused to register the same for the reason that the said decree was presented for registration after a period of 240 days from the date of decree.

4. In this regard, this Court, in a batch of writ petitions, held that the Sub Registrar cannot refuse to register any order or decree only on the ground that the same has been presented beyond the period of limitation provided under Section 23 of the Act. Therefore, the Sub Registrar shall entertain the certified copy of the decree that is presented for registration. In respect of the registration fee that has to be levied, the law is no longer res-integra and this Court repeatedly held that the registration fee should be levied only on the total value of the suit and not on the value of the property. Therefore, the second respondent cannot insist for the payment of the registration fee based on the value of the property. That apart, no stamp duty is leviable while registering any order or decree.

5. In view of the above, the second respondent is directed to register the certified copy of the decree which is presented for registration by the petitioner within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that except the property mentioned in the decree, no other property can be included while registering the decree.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600 028.



2.The Sub-Registrar,
Periyanayakkan Palayam Sub Registrar Office,
Coimbatore District.

+1cc to Mr.R.Chakkaravarthy, Advocate SR. No.58903
+1cc to Government Pleader SR. No.59796

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PA (CO)
PR (15/12/2021)