



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.11.2021

CORAM

WEB COPY

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.24101 of 2021

P.Malliga

... Petitioner

Vs

- 1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
R.A.Puram,
Chennai 600 028
- 2.The District Registrar,
Chennai North,
No.26, Rajaji Salai,
Chennai 600 001
- 3.The Sub Registrar,
Office of the Sub Registrar,
93/1, Brickklin Road, A Block,
TVK Nagar, Purasaiwakkam,
Chennai 600 012

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of Refusal Check Slip reference No.RFL/Purasaiwakkam/Book dated 02.09.2021 on the file of the third respondent, quash the same as illegal and consequential direction to the third respondent to register the certified copy of the decree dated 04.06.2018 passed in CS.No.396 of 2019.

For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records of Refusal Check Slip reference No.RFL/Purasaiwakkam/Book dated 02.09.2021 on the file of the third respondent, quash the same as illegal and consequential direction to the third respondent to register the



certified copy of the decree dated 04.06.2018 passed in CS.No.396 of 2019.

2. The petitioner and her brother obtained compromise judgment and decree for partition and separate possession by the judgment and decree dated 04.06.2018 in CS.No.396 of 2012 on the file of this Court. The certified copy of the decree was presented before the third respondent for registration on 19.08.2021. However, it was refused for registration by the impugned order dated 17.09.2021 for the reason that as per Sections 23 and 25 of the Registration Act, the document is being refused for the reason of delay in presentation. This Court already held that limitation prescribed under Sections 23 and 25 of the said Act will not apply to a decree since it is not compulsorily registrable. In support of the said contention, the learned counsel for the petitioner relied upon the judgment of this Court passed in batch of writ petitions in WP.Nos.4591 of 2020, etc. dated 29.07.2021. This Court relied upon the judgments of various High Courts and held that the limitation prescribed under Section 23 of the Registration Act, 1908 would not stand attracted for presenting a decree or order of a civil court for registration.

3. In view of the above, the impugned check slip cannot be sustained and it is liable to be set aside. Accordingly, the impugned check slip issued by the third respondent dated 17.09.2021 is set aside. The third respondent is directed to register the decree dated 04.06.2018 which was presented for registration on 19.08.2021 forthwith and release the same.

4. With the above direction, this writ petition is allowed. No order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

lok
To

1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
R.A.Puram,
Chennai 600 028



2.The District Registrar,
Chennai North,
No.26, Rajaji Salai,
Chennai 600 001

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3.The Sub Registrar,
Office of the Sub Registrar,
93/1, Brickkiln Road, A Block,
TVK Nagar, Purasaiwakkam,
Chennai 600 012

+1 cc to Mr.Goving Chandrasekaran, Advocate Sr.NO. 58132

+1 cc to Government Pleader Sr.NO. 58177

WP.No.24101 of 2021

NRL(CO)

A.SK(30.11.2021)