



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27323 of 2021

Venkatesh

...Petitioner

Vs

The Sub-Registrar,
Registration Department,
Hosur,
Krishnagiri District.

...Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned "Refusal Check Slip" dated 12.11.2021 vide Refusal Number in RFL/Hozur/48/2021 on the file of the respondent herein, quash the same and consequently direct the respondent herein to register the judgment and decree dated 16.09.2016 passed in O.S.No.37/2016 on the file of the District Munsif-cum-Judicial Magistrate Court No.1, Hosur.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned "Refusal Check Slip", dated 12.11.2021, vide Refusal Number in RFL/Hozur/48/2021 on the file of the respondent herein, quash the same and consequently direct the respondent herein to register the judgment and decree dated 16.09.2016 passed in O.S.No.37/2016 on the file of the District Munsif-cum-Judicial Magistrate Court No.1, Hosur.

2. The petitioner along with his family members filed a suit in O.S.No.37 of 2016 on the file of the District Munsif-cum-Judicial Magistrate Court No.1, Hosur, for declaration of title to declare the Power of Attorney dated 02.05.1989 executed in the name of the defendant therein as null and void and for



consequential injunction. It was decreed ex-parte by judgment and decree dated 16.09.2016. The said judgment and decree became final, since so far, no application is filed to set aside the ex-parte decree. Thereafter, the petitioner presented the said decree for registration before the respondent on 12.10.2021. However, the respondent refused to receive the same for the reason that the decree was presented for registration belatedly as contemplated under Sections 23 and 25 of the Registration Act read with Rule 16(vi) of the Registration Rules. 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 a judgment of this Court in a batch of Writ Petitions in WP.No.4591 of 2020, etc. dated 29.07.2021, in which, 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 Refusal Check Slip is no sustainable and it is liable to be set aside. Accordingly, the impugned Refusal Check Slip dated 12.11.2021 issued by the respondent is quashed. The petitioner is directed to re-present the decree dated 16.09.2016 for registration before the respondent. On receipt of the same, the respondent is directed to register and release the same forthwith.

4. With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

kv

To

The Sub-Registrar,
Registration Department,
Hosur, Krishnagiri District.

+1cc to Mr.K.Govi Ganesan, Advocate SR. No.69183
+1cc to Government Pleader SR. No.69790

W.P.No.27323 of 2021

KSM (CO)
PR (11/01/2022)