



WEB COPY

W.P.(MD)No.13527 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.13527 of 2021

and

W.M.P (MD) .No.10486 of 2021

Chellathai

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2. The District Registrar,
District Registrar Office,
Palayamkottai, Kokkirakulam,
Tirunelveli District - 627 009.

3. The Sub-Registrar,
Kadampur Sub-Registrar Office,
40/60, South Bazaar,
Kadampur, Thoothukudi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the second respondent in Na.Ka.No.4637/A1/2020 dated Nil-09-2020, quash the same and consequently direct the third respondent to register the decree passed in O.S.No.152/2013 on 13.01.2015 by the District Munsif Court, Srivaikundam.

For Petitioner : Mr.L.Shaji Chellan

For Respondents : Mr.R.Baskaran,

Counsel for State for R1 to R3

ORDER

The petitioner challenges an order dated 28.09.2020 whereby the District Registrar refused to register a decree on the ground that the time limit specified in such regard had been exceeded by the petitioner.

2. The petitioner states that he approached the third respondent with the request to register a decree in O.S.No.152 of 2013 dated 13.01.2015. By citing Section 23 of the Registration Act 1908, the authority refused to register the decree.



3. Learned counsel for the petitioner states that the impugned order is directly contrary to a judgment of the Division Bench of this Court in W.A.No.336 of 2019 dated 07.02.2019.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of all the respondents. He concurs that the impugned order is contrary to the aforesaid judgment of the Division Bench of this Court.

5. Upon perusal of the judgment of the Division Bench of this court in W.A.No.336 of 2019, it is noticeable that the Division Bench held, in relevant part, as under:

"26. As pointed out by us earlier, the time limit stipulated under Section 23 of the Act will have no application to a court decree."

6. In view of the aforesaid dictum of the Division Bench of this court, the impugned order of the second respondent is clearly unsustainable. Consequently, the impugned order dated 28.09.2020 is quashed. As a corollary, the third respondent herein is directed to receive and register the decree passed in O.S.No.152 of 2013 by the District Munsif Court, Srivaikundam, within a period of thirty days from the date of receipt of a copy of this order.

7. W.P(MD).No.13527 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).No.10486 of 2021 is closed.

Sd/-

Assistant Registrar (CS-I)

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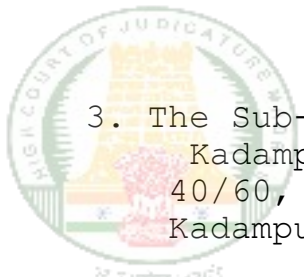
Sub Assistant Registrar(CS)

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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2. The District Registrar,
District Registrar Office,
Palayamkottai, Kokkirakulam,
Tirunelveli District - 627 009.



3. The Sub-Registrar,
Kadampur Sub-Registrar Office,
40/60, South Bazaar,
Kadampur, Thoothukudi District.

+1 CC to M/s.SPL GP (SR-25512[F] dated 06/08/2021)

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-25466[F] dated
06/08/2021)

W.P. (MD) No.13527 of 2021
05.08.2021

KS (CO)
KB(12.08.2021) 3P 6C