



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13529 of 2021

S.Venkatachalam

... Petitioner

Vs.

1. The District Registrar (Administration),
Registration Department,
Viruthunagar District.

2. The Sub Registrar,
Registration Department,
Veerasolan Sub Registrar Office,
Viruthunagar District.

3. Kathiresan

4. Jai Narayanan Sha

5. Memok Sharma

6. TCP Ltd.,
Rep. by its Manager Mr.Krishnan

7. Lakshmi

8. Vellaikannan

9. Veeraiya

10. Sahul Hameed

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records in connection with communication made by the second respondent in Na.Ka.No.70/2021 dated 28.06.2021 and quash the same and consequently directing the second respondent to register the judgment and decree in A.S.No.71/2017 on the file of learned Subordinate Judge, Paramakudi without insisting condone delay application.

For Petitioner : Mr.M.Seenisulthan

For Respondents : Mr.R.Baskaran,
Counsel for State for R1 and R2

O R D E R

The petitioner challenges an order dated 28.06.2021 whereby the registration authority refused to register the decree in A.S.No.71 of 2017 and called upon the petitioner to file an application to condone delay in submitting the same for registration.

2.The petitioner states that his property was illegally encumbered by respondents 3 to 10. Therefore he filed O.S.No.48 of 2014 before the learned Munsif Court, Paramakudi, Ramanathapuram District. The said suit was dismissed on 10.10.2017. As against the judgment and decree, he filed an appeal in A.S.No.71 of 2017, which was allowed on 18.12.2020. Once copies were made ready on 18.01.2021, he presented such decree for



registration. However, the second respondent, by communication dated 28.06.2021 refused to register the decree and directed the petitioner to submit the same along with a condone delay application. The present writ petition is filed in the aforesaid facts and circumstances.

3.Learned counsel for the petitioner submits that there is no limitation period for registering a court decree. He also submits that there are judgments of the Division Bench of this Court to this effect.

4.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He admits that the impugned order is not sustainable in view of the judgment of the Division Bench of this Court. However, he adds that this problem would be resolved if an order is obtained for the communication of the decree directly from the court concerned to the Sub-Registrar's office.

5.As correctly contended by the learned counsel for the petitioner, it has been held in several judgments, including ***S.Sarvothaman v. The Sub-Registrar, Pondicherry***, W.A.No.336 of 2019 that the time limit under Section 23 of the Registration Act, 1908 would not apply to the registration of a decree of court. Accordingly, the impugned order dated 28.06.2021 is not sustainable. Hence, the impugned order is quashed. As a corollary, the second respondent is directed to register the judgment and decree in A.S.No.71 of 2017 within a period of thirty days from the date of receipt of a copy of this order.

6.W.P(MD).No.13529 of 2021 is allowed on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The District Registrar (Administration),
Registration Department,
Viruthunagar District.

2. The Sub Registrar,
Registration Department,
Veerasolan Sub Registrar Office,
Viruthunagar District.

+1CC to The Special Government Pleader (SR25508)

W. P. (MD) No.13529 of 2021

05.08.2021

PS

RS (12.08.2021) 2P-4C