



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15237 of 2021

Anthony @ Jolly Anthony

... Petitioner

Vs.

1.The District Registrar,
Officer of the District Registrar,
Registration Department,
Sivagangai,
Sivagangai District.

2.The Sub Registrar,
Manamadurai Registrar Office,
Manamadurai,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to register the certified copy of the final decree dated 28.01.2010, passed in the Suit O.S.No.221/2009 on the file of the principal District Munsiff Court, Manamadurai and the decree & judgment dated 20.01.2015 passed in the appeal in A.S.No.43/2012 on the file of the Sub-Court Sivagangai on payment of registration charges alone without insisting for payment of any stamp duty and without insisting any limitation under Section 23 of the Registration Act.

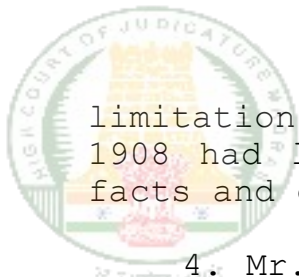
For Petitioner : Mr.V.Selvakumar
For Respondents : Mr.R.Baskaran,
Counsel for State

ORDER

The petitioner seeks a direction to register a certified copy of the final decree dated 28.01.2010 in O.S.No.221/2009 and the judgment and decree dated 20.01.2015 in A.S.No.43/2012.

2. The petitioner states that he filed a suit for permanent injunction in O.S.No.221/2009 before the Principal District Munsif Court, Manamadurai, and that such suit was allowed in his favour on 28.01.2010. An appeal, A.S.No.43/2012, was filed by the defendant in the suit and such appeal was dismissed on 20.01.2015. Thereafter, the petitioner applied for and obtained a patta under Patta No.1736 dated 16.06.2021.

3. When the petitioner endeavoured to register the aforesaid decrees, the registration authorities refused to do so. The petitioner alleges that such refusal was on the basis that the



limitation period prescribed in Section 23 of the Registration Act 1908 had lapsed. The present Writ Petition is filed under these facts and circumstances.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that a certified copy of the decree of the trial Court and appellate Court was not submitted by the petitioner and that such is the reason for the refusal to register the same.

5. Upon perusal of the documents filed in support of the petition, it appears that the petitioner has filed copies of the judgments issued by the trial Court and the appellate Court. In addition, a copy of the patta is enclosed. However, the refusal check slip or order of the registration authorities does not find a place. Therefore, it appears that the registration authorities have neither registered the relevant documents nor issued an order of refusal. In these circumstances, the submission of learned counsel for the State that the certified copies of the relevant documents were not submitted merits consideration.

6. A Division Bench of this Court in **S.Sarvothaman Vs Sub-Registrar, Puducherry in W.A.No.336 of 2019** held that the limitation period prescribed in Section 23 of the Registration Act 1908 does not apply to the registration of a court decree. Consequently, the registration authorities cannot refuse to register the documents in question on that account. However, it would be incumbent upon the petitioner to produce the certified copies of the relevant decrees of which registration is requested. In addition, the petitioner would be required to fulfill all other requirements in relation to such registration process.

7. Accordingly, subject to the above observations, W.P.(MD). No.15237 of 2021 is disposed of by directing the second respondent to consider the petitioner's request for registration dated 07.07.2021 and proceed to pass a reasoned order thereon after calling for all necessary documents in such connection. The said exercise shall be completed within a period of 30 days from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

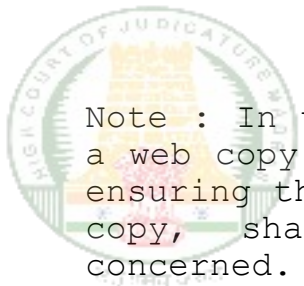
Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

Sbn



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1.The District Registrar,
Officer of the District Registrar,
Registration Department,
Sivagangai,
Sivagangai District.

2.The Sub Registrar,
Manamadurai Registrar Office,
Manamadurai,
Sivagangai District.

+1 CC to M/s.GP (SR-27642[F] dated 31/08/2021)

W.P (MD) No.15237 of 2021
27.08.2021

RD(15.09.2021) 3P 4C