



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17721 of 2021

WEB COPY

T.Thiyagarajan

... Petitioner

Vs.

1.The District Registrar (Admin),
Ariyalur.

2.The Sub Registrar,
Thuraiyur Sub Registrar Office,
Thuraiyur,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in Na.Ka.En.313/2021 dated 31.08.2021 and quash the same and consequently directing the second respondent to register the certified copies of the judgment and decree dated 27.11.1986 in O.S.No.1 of 1984 on the file of the District Munsif Court, Thuraiyur.

For Petitioner : Mr.C.Vakeeswaran
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner assails an order dated 31.08.2021 by which the second respondent declined to register the judgments and decrees in O.S.No.1 of 1984 and A.S.No.41 of 1987.

2. The petitioner states that he filed O.S.No.1 of 1984 on the file of the District Munsif Court, Thuraiyur challenging an unilateral cancellation of a gift deed. The said suit was decreed in his favour on 27.11.1986. Aggrieved by the same, his brother filed A.S.No.41 of 1987 on the file of the II Additional District Court, Trichy. The Appeal Suit was dismissed on 06.11.1990. According to the petitioner, the order of the first appellate Court was not challenged.

3. Thereafter, on 14.07.2021, the petitioner requested the second respondent to register the judgment and decree in the above mentioned proceedings. By the impugned communication dated 31.08.2021, the second respondent refused to register the relevant documents by stating that the copy of the order should be received from the relevant court.



4. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the second respondent may be directed to re-consider the matter subject to the production of certified copies of the relevant judgments and decrees.

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5. The Registration Act, 1908 and the Rules framed thereunder do not mandate that copies of orders of court should be despatched by the court concerned to the Sub Registrar concerned for purposes of registration. Therefore, the impugned order, which cites the requirement of submission of the relevant document from the court, cannot be sustained. Consequently, the impugned order is quashed. However, it is necessary for the petitioner to produce certified copies of the relevant judgments and decrees. In addition, it may be necessary to put the other parties to O.S.No.1 of 1984 and A.S.No.41 of 1987 on notice so as to ascertain whether an appeal was filed and whether any interim or final orders were passed therein.

6. Subject to the above observations, the matter is remitted for re-consideration by the second respondent. The petitioner is permitted to submit certified copies of the relevant judgments and decrees to the second respondent within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent is directed to re-examine the matter after providing a reasonable opportunity to the petitioner and to the other parties to O.S.No.1 of 1984 and A.S.No.41 of 1987. On such basis, the second respondent herein is directed to either register the relevant documents or issue a reasoned order setting out cogent reasons for refusal to do so. The entire exercise shall be completed within a period of two (2) months from the date of receipt of the resubmitted documents. The second respondent may bear in mind that this Court has concluded in several judgments that the period of limitation prescribed under Section 23 of the Registration Act, 1908, will not apply to the registration of judgments and decrees of court.

7. Accordingly, W.P(MD).No.17721 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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, the copy of the order that is presented is the correct

<https://hccservices.courts.gov.in/hccservices/>



copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Registrar (Admin),
Ariyalur.

2.The Sub Registrar,
Thuraiyur Sub Registrar Office,
Thuraiyur,
Trichy District.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-30975[F] dated
04/10/2021)

+1 CC to M/s.SPL.GP (SR-31033[F] dated 04/10/2021)

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RD(11.10.2021) 3P 5C