



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) .Nos.18985, 18986 and 18987 of 2021

K.Ratnam

... Petitioner in all cases

Vs.

The Sub Registrar
Melapalayam,
Tirunelveli-627 005.

... Respondent in all cases

Prayer in W.P.(MD).No.18985 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to receive the document being the order dated 11.12.2017 passed in O.S.No.126/2015 on the file of the first Additional District Court, Tirunelveli reviewing the earlier Judgment and decree dated 11.02.2016 and to register and release the said document submitted under temporary Registration No.TP/105992213/2021.

Prayer in W.P.(MD).No.18986 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to receive the document being the decree dated 11.06.2019 passed in O.S.No.126/2015 on the file of the first Additional District Court striking off the plaint in O.S.No.126/2015 and to register and release the said document submitted under temporary Registration No.TP/105991022/2021.

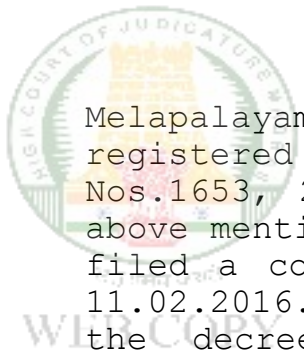
Prayer in W.P.(MD).No.18987 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to receive the document being the order dated 20.09.2018 in C.R.P.(MD). No.2202/2017 on the file of this Court directing the suit in O.S.No.126/2015 on the file of the first Additional District Court, Tirunelveli to be struck off and to register and release the said document submitted under temporary Registration No.TP/105981873/2021.

For Petitioner (in all cases)	: Mr.G.Prabhu Rajadurai
For Respondent (in all cases)	: Mr.P.Subbaraj Counsel for State

COMMON ORDER

The petitioner seeks a direction to the respondent to receive and register three documents.

2.The petitioner claims title to the property bearing T.S.Nos.139 to 143 admeasuring 3.31 acres in the aggregate at
<https://hcservices.ecourts.gov.in/hcservices/>



Melapalayam Ward, Tirunelveli Corporation limit by relying upon registered sale deeds in respect thereof. The petitioner cites Patta Nos.1653, 2691 and 1271 in support of the claim in respect of the above mentioned property. The petitioner points out that one Mohanan filed a collusive partition suit in which a decree was issued on 11.02.2016. Several documents were executed and registered based on the decree in such collusive partition suit. Therefore, the petitioner filed C.R.P.(MD).No.2202 of 2017 to strike off the plaint. In addition, pursuant to proceedings before the First Additional District Judge, Tirunelveli, the decree dated 11.02.2016 was reviewed and set aside by order dated 11.12.2017. Likewise, by order dated 20.09.2018 the civil revision petition was allowed and the plaint was ordered to be struck off.

3.In view of the fact that the documents executed pursuant to the above mentioned decree continue to be reflected in the encumbrance certificate pertaining to the property, the petitioner intends to register the aforementioned three orders. The present writ petitions are filed for this purpose.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the Sub Registrar. He submits that the Sub Registrar may be directed to consider and decide on the registration of the three documents within a reasonable time frame.

5.As regards the orders dated 11.12.2017 and 11.06.2019 as also the order dated 20.09.2018 in C.R.P.(MD).No.2202 of 2017, this Court in several judgments has held that the time limit specified under Section 23 of the Registration Act, 1908 would not apply to the registration of court orders. Therefore, the said aspect should be taken into consideration by the respondent while deciding on the application for registration thereof.

6.Accordingly, W.P(MD).Nos.18985, 18986 and 18987 of 2021 are disposed of by directing the respondent to consider the applications for registration of the Court orders dated 11.12.2017, 11.06.2019 and 20.09.2018 and either register the said orders or issue a reasoned communication indicating the reasons for refusal to do so. In any event, the said process shall be completed within a period of two (2) months from the date of receipt of a copy of this order. However, there will be no order as to costs.

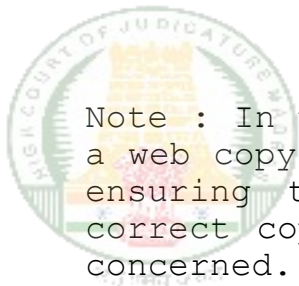
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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

The Sub Registrar
Melapalayam, Tirunelveli-627 005.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-32620[F]
dated 26/10/2021)

+1 CC to M/s.SPL.GP (SR-32583[F] dated 26/10/2021)

W.P(MD) .Nos.18985, 18986 and 18987 of 2021
25.10.2021

PS (CO)
GC/JGB(02.11.2021) 3P 4C