



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.19804 of 2021

and

W.M.P. (MD) .No.16496 of 2021

WEB COPY

S.Ahamed Sali

... Petitioner

Vs.

1.The District Registrar (Administration),
Cadre of Assistant Inspector General of Registration,
Combined Registration Campus,
St.Marks Street,
Palayamkottai,
Tirunelveli.

2.The Sub-Registrar,
O/o. the Sub-Registrar,
Pettai - 627 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the first respondent in No.6333/Aa1/2020 dated 25.01.2021 as well as the Refusal Check Slip passed by the second respondent in Refusal No.RFL/Pettai/58/2021 dated 28.09.2021 and quash the same and consequently directing the second respondent to entertain the judgment and decree passed in S.A.No.1511 of 2001 dated 10.01.2020 for registration and to register the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.S.Shanmugavel

Special Government Pleader

ORDER

The grievance raised by the learned counsel for the petitioner is that the second respondent/The Sub-Registrar, Pettai has refused to take on record and register decree of Court in S.A.Nos.1511, 1564, 1644, 1712 and 1732 of 2001 dated 10.01.2020 passed by the learned Single Judge of this Court.

2. The second respondent apparently held that the document was presented for registration after the expiry of four (4) months. However, Courts have interpreted consistently that the said period of four (4) months would not apply to a Court decree when presented for registration. The reason given by the second respondent is therefore interfered with and rejected and a direction is placed on the second respondent to register the Court decree if presented for registration by adopting proper procedure and with requisite Court fees. The orders of the first and second respondents are set aside.



3. Mr.S.Shanmugavel, learned Special Government Pleader, takes notice for the first and second respondents.

4. The petitioner is directed to present the necessary Court decree for registration on or before 26.11.2021 and if it is so presented in proper form, a direction is given to register the said decree of Court.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.(MD).No.16496 of 2021 stands closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/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, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Registrar (Administration),
Cadre of Assistant Inspector General of Registration,
Combined Registration Campus,
St.Marks Street,
Palayamkottai,
Tirunelveli.

2.The Sub-Registrar,
O/o. the Sub-Registrar,
Pettai - 627 004.

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-33861[F] dated 09/11/2021)

W.P.(MD).No.19804 of 2021and
W.M.P.(MD).No.16496 of 2021
09.11.2021

SS(CO)

KB(19.11.2021) 2P 4C