



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2226 of 2022

B.C.Palani

... Petitioner

Vs.

The Sub-Registrar,
Uthangarai,
Krishnagiri District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in Refusal No.RFL/ Uthangarai/7/2022 dated 12.01.2022 and quash the same as the same is arbitrary, illegal and non-est in the eyes of law and consequently direct the respondent to register the court decree dated 17.07.1998 made in O.S.No.36 of 1993 on the file of the Hon'ble Sub-Court, Krishnagiri.

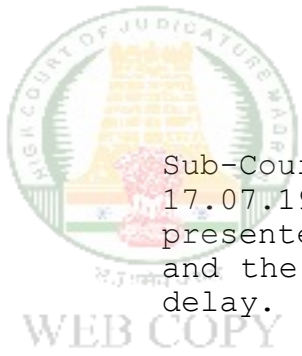
For Petitioner : Mr.T.Arockia Dass

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in Refusal No.RFL/Uthangarai/7/ 2022 dated 12.01.2022 and to quash the same as the same is arbitrary, illegal and non-est in the eyes of law and to consequently direct the respondent to register the court decree dated 17.07.1998 made in O.S.No.36 of 1993 on the file of the Sub-Court, Krishnagiri.

2.The case of the petitioner is that the petitioner filed the suit for partition in O.S.No.36 of 1993 on the file of the



Sub-Court, Krishnagiri and the said suit was decreed on 17.07.1998 in his favour. Thereafter, the said decree was presented before the respondent for registration on 12.01.2022 and the respondent refused to register the same on the ground of delay. Hence, this petition.

3.The learned counsel appearing for the petitioner submitted that there is no period of limitation for registering the decree obtained in a suit for partition, however, the petitioner has to pay the registration fees for the prevailing market value of the property as on the date of registration.

4.The learned Special Government Pleader appearing for the respondent submitted that though the respondent has rightly passed the impugned order, this Court may direct the petitioner to pay the necessary registration charges as per the guidelines and may remit the matter back to the respondent to entertain the document.

5.In view of the above, the impugned order of the respondent dated 12.01.2022 is set aside. The matter is remitted back to the respondent and the respondent shall register the decree subject to the condition that the petitioner pays the necessary registration charges as per the Guidelines.

6.The writ petition is allowed on the above terms. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

The Sub-Registrar,
Uthangarai,
Krishnagiri District.

+1cc to M/s.Dass & Viswa Associates, Advocate, S.R.No.9302

+1cc to the Government Pleader, S.R.No.9882

W.P.No.2226 of 2022

NK (CO)
SU (03/03/2022)