



W.P.No.25072 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.09.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25072 of 2022

S.Kolanji Udayar

.. Petitioner

Versus

1.The Inspector General of Registration
100, Santhome High Road
Chennai – 600 028

2.The Sub Registrar
Sirupakkam and Post
Veppur Taluk, Cuddalore District

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ, order or direction in the nature of Writ of Mandamus, to direct the second respondent to register the decree dated 08.01.2013 in O.S.No.155 of 2011 passed by the Principal Sub Court, Vridhchalam as per the representation of the petitioner dated 30.05.2022.

For Petitioner : Mr.R.Meenal
For Respondent : Mr.C.Kathiravan
Special Government Pleader

ORDER

The present petition has been filed seeking to direct the second respondent to register the decree dated 08.01.2013 in O.S.No.155 of 2011



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passed by the Principal Sub Court, Vridhchalam as per the representation of the petitioner dated 30.05.2022.

2. The case of the petitioner is that the petitioner purchased lands in Rettakurichi Village from Periasami on 17.12.2007. Further, one Balasubramanian filed a suit for recovery of money as against the petitioner in O.S.No.155 of 2011. Further, the said Balasubramanian received the amount and the suit was dismissed for non prosecution. The decree became final. Thereby, the petitioner approached the the second respondent for registration of the sale deed and the respondent orally refused to register the same on the ground that the decree has not been presented within the stipulated time as contemplated under Section 23 & 25 of the Registration Act, 1908. Hence, the present Writ Petition is filed.

3. Learned counsel for the petitioner submits that no time limit is prescribed in the Registration Act with regard to registration of the deed through Court decree. Therefore, citing delay in presenting the document as reason for not registering the same is not sustainable.

4. The learned counsel for the petitioner would rely on a decision of the



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Hon'ble Division Bench of this Court in the case of ***S.Lingeswaran vs The Sub Registrar*** in ***W.P.No.9577 of 2021*** dated 23.04.2021, and in the said decision the Division Bench of this Court followed the earlier decisions reported in ***2007 (2) TCJ 68 (A.K.Gnanasankar vs. Joint -II Sub Registrar, Cuddalore)*** and ***2019 (3) MLJ 571 (S.Sarvothaman vs. The Sub-Registrar, Oulgarpet)***, wherein the Court held that, the Court decree is not a compulsorily registrable document and the option lies with the party in such circumstances. He would particularly rely on paragraphs 6 to 9 of the above decision, which are extracted hereunder:

“6. A Full Bench of the Andhra Pradesh High Court in Padala Satyanarayana Murthy Vs. Padala Gangamma, reported in AIR 1959 AP 626, has held that a decree/order passed by a competent Court is not compulsorily registrable document and the party cannot be compelled to get the document registered when there is no obligation cast upon him to register the same. Subsequently, a Division Bench of this Court in A.K.Gnanasankar Vs. Joint-II Sub Registrar, Cuddalore reported in 2007 (2) TCJ 68, has held that, a decree is a permanent record of Court and the limitation prescribed for presentation of the document under Sections 23 and 25 of the Registration Act, is not applicable to a decree presented for registration.

7. The above judgments have been followed in number of judgments of this Court and recently another Division



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Bench of this Court in S.Sarvothaman Vs. The Sub-Registrar, Oulgaret reported in (2019) 3 MLJ 571 has held that, as the Court decree is not a compulsorily registerable document and the limitation prescribed under the Registration Act would not stand attracted for registering any decree. The relevant portion of the judgment reads as follows:

"21. By applying the decision in the case of Padala Satyanarayana Murthy to the facts of the case, the only conclusion that could be arrived at is that a court decree is not compulsorily registerable and that the option lies with the party. In such circumstances, the law laid down by this Court clearly states that the limitation prescribed under the Act would not stand attracted."

8. The above judgment was followed in Anitha Vs. The Inspector of Registration in W.P.No.24857 of 2014 dated 01.03.2021, wherein it is held that the Registrar cannot refuse registration of a Court decree on the ground of limitation.

9. In view of the above settled position of law, the respondent Sub Registrar cannot refuse to register the decree on the ground that it is presented beyond the period prescribed under Section 23 of the Registration Act. In such circumstances, the impugned refusal check slip issued by the respondent is not sustainable and it is liable to be set aside. Accordingly, the writ petition is allowed and the impugned order passed by the respondent is set aside and the respondent is directed to register the decree, if it is otherwise in order. No



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costs.”

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5. The learned Special Government Pleader appearing for the first respondent submitted that the said application was not entertained under section 23 and 25 of the Registration Act, 1908.

6. Heard both sides and perused the materials placed on record. Considering the facts and circumstances of this case, this Court directs the second respondent to entertain the decretal order passed in O.S.No.155 of 2011 dated 08.01.2013 passed by the Principal Sub Court, Vridhchalam without referring the delay within a period of four weeks from the date of receipt of a copy of this Order.

7. With the above directions, this writ petition stands disposed of. No costs.

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Index: Yes/No
Internet: Yes
Speaking/Non-Speaking order



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M.DHANDAPANI, J.

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To

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