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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28248 of 2021

K.Thangavel

... Petitioner

-Vs-

The Sub-Registrar,
Perundurai Sub Registrar Office,
Erode District.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in Refusal Number RFL/Perundurai/53/2021 dated 07.10.2021 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 18.12.2019 passed in O.S.No.358 of 2019 on the file of the I Additional District Judge, Erode.

For Petitioner : Mr.C.Ramaraj

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in Refusal Number RFL/Perundurai/53/2021, dated 07.10.2021 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 18.12.2019 passed in O.S.No.358 of 2019 on the file of the I Additional District Judge, Erode.

2. Heard Mr.C.Ramaraj, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader, appearing for the respondent.

3. The subject property was purchased by the registered sale deed, dated 05.06.1969, registered vide Document No.704 of 1969 by one Karupppangounder and his brothers. The petitioner is



the son of the said Karuppangounder. The petitioner's father and his brothers entered into a partition deed dated 04.02.1971 and 1/3 common share was allotted to the petitioner herein. The petitioner is in joint possession and enjoyment of the said property along with the co-sharers. Thereafter, the petitioner's father's brother died and his legal heirs demanded for partition and separate possession of the subject property.

4. Therefore, a suit for partition was filed in O.S.No.358 of 2019 on the file of the I Additional District Judge, Erode. While pending the suit there was a compromise between them and the suit was referred before the Lok Adalat. Before the Lok Adalat, the parties agreed to accept the compromise memo and based on the compromise memo, the suit was decreed by the Judgment and Decree dated 05.05.2021. The said Judgment and Decree was presented for registration on 07.10.2021 before the respondent. However, it was rejected by the impugned Check Slip dated 07.10.2021 for the reason that it was presented belatedly. This Court repeatedly held that though Section 23 of the Registration Act provides for limitation, it is only directory in nature and it is not mandatory. That apart, it is not applicable to the decree granted by the Court.

5. In view of the above, the impugned Check Slip in Refusal No. RFL/Perundurai/53/2021 dated 07.10.2021, cannot be sustained as against the petitioner and it is liable to be set-aside. Accordingly, the Refusal Check Clip in Refusal No. RFL/Perundurai/53/2021, dated 07.10.2021 is hereby quashed.

6. The petitioner is directed to re-present the Judgment and Decree, dated 05.05.2021 before the respondent and on receipt of the same, the respondent is directed to register and release the same.

7. With the above directions, this writ petition stands allowed. There shall be no order as to costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

mn



To

The Sub-Registrar,
Perundurai Sub Registrar Office,
Erode District.

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+1cc to Mr.M.Guru Prasad, Advocate, S.R.No.256
+1cc to the Government Pleader, S.R.No.1084

W.P.No.28248 of 2021

PVS[co]
NSK 28/01/2022