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W.P. No.29944 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.29944 of 2022

1. Vijayavel

2. Velvijayan

... Petitioners

Vs.

1. The Government of Tamil Nadu,
represented by its Secretary.
Registration Department,
Fort St. George, Chennai – 600 009.

2. The Inspector General of Registration,
Mylapore, Chennai 600 004.

3. The District Registrar,
Office of the District Registrar,
Tindivanam, Villupuram District,

4. The Sub Registrar, Avarapakkam
Tindivanam, Villupuram District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent particularly the Sub Registrar, Avarapakkam, Tindivanam the 4th respondent herein to register the Judgment and Decree in O.S.No.201/2012 dated 30.08.2016 passed by the Principal District Munsiff, Tindivanam, Villupuram District on the file of the 4th respondent in the event of the petitioners are presenting the Judgment and



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Decree in O.S.No.201/2012 for registering the Judgment and decree and pass orders.

For Petitioners : Mr.K. Bala Krishnan
For Respondent : Mr. G. Krishna Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondent particularly the Sub Registrar, Avarapakkam, Tindivanam the 4th respondent herein to register the Judgment and Decree in O.S.No.201/2012 dated 30.08.2016 passed by the Principal District Munsiff, Tindivanam, Villupuram District on the file of the 4th respondent in the event of the petitioners are presenting the Judgment and Decree in O.S.No.201/2012 for registering the Judgment and decree.

2. Mr.G. Krishna Raja, learned Additional Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this Writ Petition itself is taken up for final disposal.

3. The case of the petitioner is that when the petitioners presented the



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Judgment and Decree passed in O.S.No.201 of 2012 dated 30.08.2016 passed by the Principal District Munsiff, Tindivanam, Villupuram District, the 4th respondent has refused to register the decree. Hence this petition.

4. Heard the learned counsel appearing for the petitioners and the Additional Government Pleader appearing for the Respondents.

5. On a perusal of the facts of the case, it is to be pointed out that any order or decree passed by the competent judicial forum is a document, which is registrable document u/s 23 of the Act. Merely because the said document does not find a place under the compulsorily registrable document under Section 17-A and 17-B of the Act, that would not be a bar for the Sub Registrar to entertain the said document for registration. All the orders and decrees of the competent judicial forum are registrable document u/s 23 of the Registration Act.

6. If there is any delay in presenting the decree the same shall not be acceptable as the same was held by 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



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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 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 costs."



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7. In view of the above, this Court directs the petitioners to present the Judgment and Decree in O.S.No.201/2012 dated 30.08.2016 passed by the Principal District Munsiff, Tindivanam, Villupuram District and the 4th respondent is directed to entertain the same, if there is no other impediment for registration.

8. With the above observations this writ petition stands disposed of.

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Index : Yes / No
Speaking order : Yes/ No
smn

To

1. The Government of Tamil Nadu,
represented by its Secretary.
Registration Department,
Fort St. George, Chennai – 600 009.
2. The Inspector General of Registration,
Mylapore, Chennai 600 004.
3. The District Registrar,
Office of the District Registrar,
Tindivanam, Villupuram District.

M.DHANDAPANI, J.



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