



W.P.No.32555 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32555 of 2022

K.R.Rajendran

.... Petitioner

-Vs-

The Sub Registrar
Panruti.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to register the decree dated 21.01.1995 passed in O.S.No.70 of 1985 on the file of the Additional Sub-Court, Cuddalore with the deed of assignment dated 24.03.2001.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent to register the decree dated 21.01.1995 passed in O.S.No.70 of 1985 on the file of the Additional Sub-Court, Cuddalore with the deed of assignment dated 24.03.2001.



W.P.No.32555 of 2022

2. One V.S.Shanmugam and others filed O.S.No.70 of 1985 in the Additional Sub Court, Cuddalore against one Ramalingam and others in respect of some properties and the said suit was decreed in favour of the plaintiffs.

3. The petitioner had obtained assignment of the decree which has been registered by a registered deed dated 24.03.2007. In view of the assignment made in favour of the petitioner, the petitioner, in order to prevent any illegal encumbrance being created against the said properties, having obtained the certified copy of the decree, wanted to register the same. When such an application was filed to the Sub Registrar ie., the respondent herein on 07.11.2022, since no action has been taken by the respondent to register the decree, the petitioner has moved the present writ petition with the aforesaid prayer.

4. Reiterating the aforesaid facts, Mr.D.Baskar learned counsel for the petitioner seeks the indulgence of this Court the issue a writ of mandamus in this regard.

5. Heard Mr.Yogesh Kannadasan learned Special Government Pleader, who would submit that if such an application is filed by the petitioner on 07.11.2022 to the respondent to register the Court decree, that would be considered and if it is registrable one the same would be registered within a time frame that may be stipulated by this Court.



W.P.No.32555 of 2022

6. Considering the limited scope of the prayer and having regard to the submissions made by the learned counsel for both sides, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the respondent to consider the representation of the petitioner dated 07.11.2022 and verify if the decree to be produced by the petitioner is a registrable one within the meaning of Section 23 of the Registration Act and accordingly do the needful within a period of four weeks from the date of receipt of a copy of this order.
- It is made clear that since under Section 23 of the Act, registration of the decree is not made compulsory, if any time limit is prescribed, that may not be insisted since the decree is a continuous cause of action which could be registered at the request of the person in whose favour such a decree is passed. Hence, without insisting any limitation, the needful as indicated above shall be undertaken by the respondent.

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

05.12.2022

Index : Yes/No
Internet : Yes/No
KST
To

The Sub Registrar, Panruti.



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W.P.No.32555 of 2022

R. SURESH KUMAR, J.

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W.P.No.32555 of 2022

05.12.2022