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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. No. 24127 of 2017

M/s. Hotel Radhaprasad Pvt. Ltd.,
represented by its Director R.Radha
Plot No.26-A, 4th Main Road,
SIPCOT IT Park, Siruseri,
Chennai.

...Petitioner

Vs

1. The District Registrar,
Nammakkal District,
Nammakkal.
2. The Sub-Registrar,
Thirunchengodu,
Nammakkal District 637 211

...Respondents

The Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records of the first respondent, pertaining to its letter bearing Na.Ka.No.4946/AA1/2017 dated 23.08.2017, quash the same, directing the respondents to register the order dated 30.03.2015 passed by the Hon'ble High Court, Madras, in Company Petition Nos.67 & 68 of 2015 by condoning the delay in the presentation of this said order for registration.

For petitioner ... Mr. S. Natana Rajan

For respondents ... Mr. D.Satish,
Addl. Govt. Pleader

ORDER

This writ petition has been filed challenging the order passed by the District Registrar, Nammakkal, refusing to register an amalgamation order passed by this Court in Company Petition Nos.67 & 68 of 2015 dated 30.03.2015 on the ground that the above order has been produced for registration after expiry



of four months, in violation of Section 23 and 25 of the Tamil Nadu Registration Act.

2. The learned counsel for the petitioner submitted that the petitioner only wants to register an order passed by the Company Court ordering amalgamation and the order being passed by the Court of law, the provision under Section 23 of the Registration Act will not apply and there is no limitation for registering the document.

3. To support his contention, the learned counsel relying upon the order passed by the Madurai Bench of this Court in the case of K.Krishnan /vs/ Inspector General of Registration and others in W.P.(MD) No.13896 of 2019 dated 20.06.2019, wherein it has been held as follows:-

" 14. Therefore, it has been made clear by the said Division Bench Judgment that, the limitation prescribed under the Act i.e., under the proviso to Section 23 of the Act cannot stand attracted, in so far as the limitation is concerned for registration of Court decree, since it is not compulsorily registrable document. In other words, as any other document, which are to be registered compulsorily under the Registration Act, the Court decree and orders need not be registered compulsorily. Therefore, it is only optional, by exercising such option, if the parties desire to register any decree or order of the Court, the same can be treated only as an optional registration, for which, the limitation prescribed under Section 23 of the Act cannot be strictly construed as a mandatory requirement. Therefore, it can only be treated as directory and therefore, the mandatory requirement of registration of document within four months as contemplated under Section 23 of the Act cannot be put against any party, who wants to register the Court decree or order."

4. Mr. D.Sathish, learned Additional Government Pleader, appearing for the respondents submitted that under Section 23 of the Tamilnadu Registration Act, any document sought to be registered should be present within a period of four months from the date of execution and under Section 25 of the Act, another period of four months is granted. Beyond that, no document can be registered. Hence, the respondents rightly rejected the document for registration. He further submitted that in the event of this Court direct the respondents to register the



document, the document may be permitted to register manually instead of registering through computer.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. The issue involved in this case no more res integra. This Court in catena of judgments has held that the limitation provided under Section 23 of the Registration Act is not applicable for registration of the orders or decree passed by this Court.

7. Considering the above facts and circumstances, the respondent cannot refuse to register the document on the ground of delay in presenting the document and hence, the impugned order passed by the first respondent is liable to be set aside.

8. Accordingly, the Writ Petition is allowed and the order dated 23.08.2017 passed by the first respondent is set aside and the first respondent is directed to register the document within a period of four weeks from the date of receipt of a copy of this order if the document is otherwise in order. Further, the first respondent is also directed to register the document manually, in stead of registering the same through computer.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp

1. The District Registrar,
Nammakkal District,
Nammakkal.

2. The Sub-Registrar,
Thirunchengodu, Nammakkal District.

+1cc to Mr.N.Sivaprakash, Advocate, S.R.No.8434

+1cc to the Government Pleader, S.R.No.8971

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