



WEB COPY



W.P.No.32968 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32968 of 2022

Kathirvel

... Petitioner

-Vs-

The Sub-Registrar,
Idappadi Sub Registrar Office,
Salem District.

... Respondent

Prayer : Writ Petitions 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/Idappadi/7/2022 dated 24.11.2022 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 26.12.2019 passed in O.s.No.186 of 2019 on the file of Sankari.

For Petitioner : Mr.C.Ramaraj

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of certiorarified mandamus to quash the impugned Refusal Check Slip in refusal Number RFL/Idappadi/7/2022 dated 24.11.2022 as illegal and incompetent and



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consequently direct the respondent to register the decree dated 26.12.2019 passed in O.s.No.186 of 2019 on the file of Subordinate Judge, Sankakri.

2. The petitioner has submitted a decree of the Civil Suit dated 26.12.2019 to the respondent for registration. However, the same was refused by the respondent on the ground that the date of the judgment and decree is 26.12.2019, whereas it has been presented for registration only on 24.11.2022, therefore, as per Section 23 of the Registration Act, 1907, since it has not been filed within the time, therefore, it cannot be registered.

3. Challenging the said refusal order passed by the respondent, the present writ petition has been filed.

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

5. The learned Special Government Pleader has fairly submitted

<https://www.mhc.tn.gov.in/judicial> that the issue raised in this writ petition is no more *res-integra* as number



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of judgments have been issued by this Court on the point especially the limitation point under Section 23 of the Registration Act, 1908.

6. He relied upon a decision of this Court in ***W.P.(MD).No.13896 of 2019*** in the case of ***K.Krishnan Vs.The Inspector General of Registration*** and subsequently in ***W.P.No.4591 of 2020 & etc., batch*** in the case of ***Mani @ Devarasu Vs. The District Registrar.***

7. Relying upon these judgments, learned Special Government Pleader appearing for the respondent submits that, since the limitation cannot be insistent upon for registering the Civil Court decree and judgment, therefore the said reason stated by the respondent in the impugned communication may not be justifiable.

8. As has been rightly pointed out by the learned Special Government Pleader appearing for the respondent that the said issue has already been decided in the aforesaid cases, where this Court had an occasion to consider the similar issue in ***W.P.(MD).No.13896 of 2019***, where this Court has passed the order not to insist limitation under Section 23 of the Act.



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9. This has been subsequently followed in a batch of cases in W.P.No.4591 of 2021 & etc., dated 29.07.2021. Therefore, the issue raised in this writ petition is no more *res-integra* and hence, the reason stated by the respondent to refuse the registration of Civil Court decree and judgment as desired by the petitioner cannot be sustained under the legal scrutiny.

10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That the impugned communication is set aside and there shall be a direction to the respondent to act upon on the request of the petitioner for registration of the Civil Court decree and judgment dated 26.12.2019 on the file of the respondent.
- ◆ The needful shall be undertaken by the respondent within a period of four(4) weeks from the date of receipt of a copy of this order.

With this direction, this writ petition is disposed of. No costs.

08.12.2022

Index : Yes/No
Internet : Yes/No

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To

The Sub-Registrar,
Idappadi Sub Registrar Office,
Salem District.



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R. SURESH KUMAR, J.

mp

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