



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4584 of 2022

Khader Maideen

... Petitioner

Vs

The Sub Registrar,
Registration Department,
Kodaikanal Registration Office,
Dindigul District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal slip of the respondent in RFL/Kodaikanal/29/2022, dated 28.02.2022 and quash the same as illegal and consequently, direct the respondent to register the certified copy of the decree, dated 22.10.2019, made in A.S.No.155 of 2018, on the file of the Additional District Court, Palani, within the time that may be stipulated by this Court, without insisting on payment of any stamp duty in the light of the decision in this Court in W.P.(MD).No.8091 of 2020, dated 25.06.2021.

For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates
For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal slip issued by the respondent, dated 28.02.2022, by which the respondent has refused to register the Court decree presented by the petitioner for registration on the ground that it has been presented beyond the period of four months as per the provisions of Section 23 of the Registration Act.

2.Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

3.The issue involved in this writ petition is now well settled by various decisions of this Court, including a Division Bench of this Court in the case of **S.Sarvothaman Vs. Sub Registrar, Oulgaret, Pondicherry**, dated 07.12.2019, passed in **W.A.No.336 of 2019**, wherein, it has been held that the issue of limitation as prescribed under Section 23 of the Registration Act will not apply to Court decrees.



4.In the case on hand, the petitioner has presented a Civil Court decree passed in A.S.No.155 of 2018, dated 22.10.2019, by the learned Additional District Judge, Palani. According to the petitioner, the decree has also attained finality and no further appeal has been filed. The decree has granted the relief of declaration in respect of the property situated within the jurisdiction of the respondent and the said decree has been granted in favour of the petitioner. In view of the settled law as stated supra, by total non application of mind to the settled law, the respondent has passed the impugned refusal slip, dated 28.02.2022, refusing to register the Court decree presented by the petitioner for registration.

5.Hence, the impugned refusal slip, dated 28.02.2022, is hereby set aside and this writ petition is allowed and a direction is issued to the respondent to register the decree within a period of two weeks from the date of receipt of a copy of this order. Insofar as the exemption from the payment of registration fee sought for by the petitioner is concerned, the respondent shall consider the said request in the light of the decision rendered by the learned Single Judge of this Court, dated 25.06.2021, in **W.P. (MD) .Nos.8091, 8093 & 9446 of 2020**, in the case of **M.Rajendran Vs. The Inspector General of Registration, Chennai and others** and pass orders accordingly. No costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Sub Registrar,
Registration Department,
Kodaikanal Registration Office,
Dindigul District.

+1 CC to M/s.SPL GP (SR-12711[F] dated 17/03/2022)

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