



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6792 of 2022

and

W.M.P. (MD).No.5238 of 2022

WEB COPY

G.Pitchammal

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Tirunelveli.

2.The District Registrar,
Tenkasi District, Tenkasi.

3.The Sub Registrar No.II,
Joint Sub Registrar Office No.2,
Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned orders in Na.Ka.No.6174/Aa1/2021 dated 14.02.2022 of the first respondent by confirming the proceedings in Na.Ka.No.6549/Aa1/2021 dated 11.10.2021 of the second respondent and quash the same and further directing the third respondent to register the certified copy of the decree dated 07.01.2021 in O.S.No.260 of 2018 (Principal Sub Court, Tenkasi) within stipulated time.

For Petitioner : Mr.I.Robert Chandrakumar

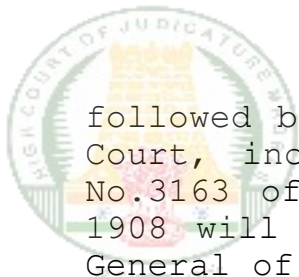
For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned orders in Na.Ka.No.6174/Aa1/2021 dated 14.02.2022 of the first respondent by confirming the proceedings in Na.Ka.No.6549/Aa1/2021 dated 11.10.2021 of the second respondent and seeking to quash the same and further to direct the third respondent to register the certified copy of the decree dated 07.01.2021 in O.S.No.260 of 2018 (Principal Sub Court, Tenkasi) on the ground that the Court decree has been presented for registration beyond the period of four months as per the provisions of Section 23 of the Registration Act, 1908.

2.The issue is now well settled in the law laid down by the Division Bench of this Court in the case of **A.K.Gnanasankar v. The Joint II Sub Registrar, Cuddalore-2**, passed in **W.A.No.2395 of 2003**, dated **23.03.2007**, wherein, it has been held that the Decree is a permanent record of Court and hence, no limitation can be prescribed to register the same. The said Division Bench Judgment has been



followed by various decisions of the learned Single Judges of this Court, including myself by order, dated 18.02.2022, in W.P.(MD). No.3163 of 2022. Therefore, Section 23 of the Registration Act, 1908 will not get attracted. The circular issued by the Inspector General of Registration pertaining to the Court decrees has no legal sanctity.

3.Therefore, by total non application of mind to the settled law, the impugned order dated 14.02.2022 has been issued by the first respondent confirming the proceedings of the second respondent dated 11.10.2021, refusing to register the Court decree only on the ground that the same has been presented for registration beyond a period of four months prescribed under Section 23 of the Registration Act, 1908.

4.Accordingly, the impugned orders dated 14.02.2022 and 11.10.2021 issued by the first and second respondents are hereby quashed and the writ petition is allowed. The third respondent is directed to register the Court decree passed in O.S.No.260 of 2018 dated 07.01.2021, if it is otherwise in order, within a period of two [2] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

To

1.The Deputy Inspector General of Registration,
Tirunelveli.

2.The District Registrar,
Tenkasi District, Tenkasi.

3.The Sub Registrar No.II,
Joint Sub Registrar Office No.2, Tenkasi.

Copy to

The Principal Subordinate Judge, Tenkasi.

+1 CC to M/s.I.ROBERT CHANDRA KUMAR, Advocate (SR-18455[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18868[F] dated 13/04/2022)

W.P. [MD]No.6792 of 2022

19.04.2022

RS(19.05.2022) 2P-7C

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