



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8031 of 2022

M.Boomadevi

... Petitioner

/Vs./

1.The District Registrar,
Office of Registration Department,
171, Palace Road, Madurai South,
Madurai.

2.The Sub Registrar,
Y.Othakadai,
Thiruvathavur Rd, Rama Krishna Nagar,
Rajakambeeram, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order of check slip issued under registration rule 27 in Va.No.2/2022 dated 25.03.2022 issued by the 2nd respondent and quash the same and to direct the 2nd respondent to register the copy of the decree.

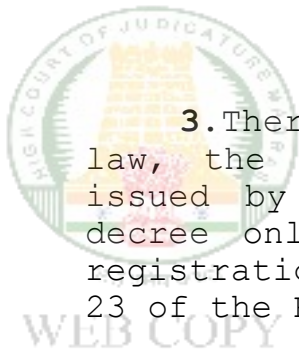
For Petitioner : Mr.V.R.G.Mohan

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

This writ petition has been filed challenging the refusal check slip dated 25.03.2022 issued by the second respondent refusing to register the Court decree passed in O.S.No.358 of 2012 by the District Munsif, Melur on the ground that the Court decree has been presented for registration beyond the period of four months as per the provision 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 refusal check slip dated 25.03.2022 has been issued by the second respondent 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 refusal check slip dated 25.03.2022 issued by the second respondent is hereby quashed and the writ petition is allowed. The second respondent is directed to register the Court decree passed in O.S.No.358 of 2012 dated 27.08.2018, 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.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sm

To

1. The District Registrar,
Office of Registration Department,
171, Palace Road, Madurai South,
Madurai.

2. The Sub Registrar,
Y.Othakadai,
Thiruvathavur Rd, Rama Krishna Nagar,
Rajakambeeram, Madurai.

+1 CC to M/s.SPL.GP (SR-22373[F] dated 28/04/2022)

W.P.[MD]No.8031 of 2022

26.04.2022

MGJ(18.05.2022) 2P 4C