



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.8982 of 2022

N.Thangavel

... Petitioner

Vs.

The Sub Registrar Office,
Kannivadi Sub Registrar Office,
Kannivadi,
Dindigul District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to include the judgment and decree passed by the District Munsif Court, Dindigul in O.S.No.41 of 2014 dated 25.04.2014 in the encumbrance certificate of the petitioner's land in Old S.No.400/3, New S.F.No.400/3 situated at Kamatchipuram Village, Dindigul West Taluk, Dindigul District based on the petitioner's representation dated 18.04.2022.

For Petitioner : Mr.N.Marivel

For Respondent : Mr.K.S.Selvaganesan,
Addl. Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner wants to register the petition mentioned judgment and decree so that it is reflected in the encumbrance register. Since the decree was presented beyond time limit prescribed under Section 23 of the Registration Act, the respondent refused to register the same. Questioning the stand of the respondent, the writ petition came to be filed.

3.The issue raised in the writ petition is covered by the judgment reported in (2019) 3 MLJ 517 (S.Sarvothaman Vs. Sub Registrar, Oulgaret). The Hon'ble Division Bench held as follows:-

"A Court decree is not compulsorily registerable and that the option lies with the party. In such circumstances, the law laid down by this Court clearly states that the limitation prescribed under the Act would not stand attracted. Presentation of the decree from the date of obtaining certified copy is well within



the period of limitation presentation under Section 23 of the Act even assuming that the said provision would apply to the case on hand. Time limit stipulate under Section 23 of the Act will have no application to a court decree. For the above reasons, this Court of the considered view that the reasons assigned by the respondent for refusing to register the decree is unsustainable in law"

4.In this view of the matter, the respondent is directed to register the petition mentioned decree subject to fulfilment of usual formalities. The writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To:

The Sub Registrar Office,
Kannivadi Sub Registrar Office,
Kannivadi,
Dindigul District.

+1 CC to M/s.N.MARIVEL, Advocate (SR-28404[F] dated 28/06/2022)

+1 CC to M/s.SPL.GP (SR-28453[F] dated 28/06/2022)

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RD(06.07.2022) 2P 4C