



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10974 of 2022

and

W.M.P(MD)No.7915 of 2022

C.K.Selvakumar

... Petitioner

Vs

1.The District Registrar,
Office of the District Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai,
Madurai - 625 107.

2.The Sub Registrar,
Chokkikulam Sub Registrar Office,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai,
Madurai - 625 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.175-1/2022 dated 18.04.2022 and quash the same as illegal and direct the second respondent to register the Certified copy of the AWARD passed by the District Legal Services Authority, Madurai in Case No: LSP 117 of 2010 (LAC No:233/07) dated 05.04.2010 on paymnet of registration charges alone without insisting for payment of any stamp duty and without insisting on the period of limitation under Section 23 of the Registration Act, 1908.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.



2. The petitioner wants the petition mentioned award to be registered. When the same was presented for registration, the second respondent declined to register the same. That led to filing of the writ petition. The issue raised in the writ petition is no longer *res integra*. A learned Judge of this Court in the decision reported in **2021 5MLJ456 (M.Rajendran & Others Vs The Inspector General of Registration & Others)** held as follows:

"21. In view of the settled law, the Sub Registrar cannot refuse to register any order or decree only on the ground that the same has been presented beyond the period of limitation provided under Section 23 of the Act. Hence, the Sub Registrar shall entertain the certified copy of the decree that is presented by the petitioners and shall register the same.

22. Insofar as the next issue regarding the registration fee that has to be levied, the law is no longer res-integra and this Court in the case of K.Krishnan referred supra has categorically held that the registration fees should be levied only on the total value of the suit and not on the value of the property. Therefore, the respondent cannot insist for the payment of the registration fees based on the value of the property."

3. In view of the said decision the order impugned in this writ petition is set aside and the writ petition is allowed on the same lines. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (T & P)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The District Registrar,
Office of the District Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai,

<https://hcservices.ecourts.gov.in/hcse6125/> 107.



2.The Sub Registrar,
Chokkikulam Sub Registrar Office,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai,
Madurai - 625 107.

+1 CC to M/s.SPL.GP (SR-26831[F] dated 20/06/2022)

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SS/04/07/2022/ 3P 4C