



W.P(MD)No.13029 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13029 of 2019

K.Soundarajajn

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office Thiruverumbur,
Kaliash Nagar,
Thiruverumbur,
Trichy District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register the Order in WP(MD).5443/2012 dated 15.12.2014 made by this Honourable Court in the records of the respondent pertaining to the property an extent of 5 acres as stated in the certificate dated 10.01.1987 issued by Tahsildar, Trichy in Old Survey No.310/1, New Survey NO.310/19, in Navalpattu Village, Thiruverumbur Taluk, Trichy District by considering petitioner representation dated 10.05.2019 within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.S.Shanmugavel,
Addl. Government Pleader.



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ORDER

Heard the learned counsel on either side.

2.The prayer in the writ petition is that the respondent must be directed to register the order made in W.P.(MD)No.5443 of 2012. Copy of the said order has been enclosed in the typed set of papers. It is seen that this Court had directed the authorities to issue patta in favour of the writ petitioners who were five in number. The petitioner is figuring as the fourth writ petitioner. The question is such an order can be directed to be registered. As rightly pointed out by the learned Additional Government Pleader for the respondent, only if the right or title of the party is created or extinguished by virtue of Court order, it can be directed to be registered. An order directing issuance of patta neither creates or extinguishes anybody's title. Therefore, I sustain the contention of the learned Additional Government Pleader that the relief sought for cannot be granted. At this stage, the learned counsel for the petitioner draws my attention to the decree dated 07.09.2012 made O.S.No.1484 of 2011 on the file Principal District Munsif Court, Trichirappalli.

3.The respondent cannot have any objection for registering the said decree. Of course, the learned Additional Government Pleader would raise a



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feeble objection that in view of Section 23 of the Registration of Act, there is a bar of limitation. The learned counsel for the petitioner relying on the order dated 25.06.2021 made in W.P.(MD)Nos.8091 of 2021 and batch pointed out that the bar of limitation enshrined in Section 23 of the Registration Act cannot be invoked when it comes to registration of Court's decree. Accepting the said contention of the learned counsel for the writ petitioner, the respondent is directed to register the decree dated 07.09.2012 made in O.S.No.1484 of 2011 on the file of Principal District Munsif Court, Tiruchirappalli subject to fulfilment of the usual formalities. The petitioner of course has to formally submit an application to the respondent and the respondent shall accept the same.

4.The writ petition is disposed of with the aforesaid direction. No costs.

15.12.2022

Index : Yes / No
Internet : Yes/ No
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To:-

The Sub Registrar,
Sub Registrar Office Thiruverumbur,
Kaliash Nagar,
Thiruverumbur,
Trichy District.



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G.R.SWAMINATHAN, J.

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