



W.P(MD)No.12193 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12193 of 2022

Rajendran

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
Watrap,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd respondent made in RFL/WATRAP/6/2022 dated 12.04.2022 an quash the same and consequently issue direction to the 1st respondent to register the sale certificate issued by the Principal District Munsif Court, Srivilliputhur vide E.A.No.166/2004 in E.P.No.154/2022 in S.C.No.24/1996 in favour of the petitioner.

For Petitioner : Mr.A.Balaji

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



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ORDER

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Heard the learned counsel on either side.

2.The petitioner wants to register the petition mentioned sale certificate.

3.When it was presented before the second respondent, citing lapse of limitation set out in Section 23 of the Registration Act, the impugned refusal check slip was issued. Questioning the same, this writ petition has been filed.

4.The issue on hand is no longer res integra. It has been held in catena of decisions that delay in presenting the Court order cannot come in the way of registration. My attention is drawn to the order dated 25.06.2021 made in W.P.(MD)No.8091 of 2020. A learned Judge of this Court has 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.”



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5. Respectfully following the same, the impugned refusal check slip is quashed and the writ petition is allowed and the second respondent is directed to register the petition mentioned sale certificate subject to fulfilment of other formalities. No costs.

29.06.2022

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

1. The District Registrar,
Virudhunagar District,
Virudhunagar.

2. The Sub Registrar,
Watrap,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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