



W.P(MD)No.17410 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17410 of 2022

Navamani

... Petitioner

Vs.

Sub Registrar,
Chinnadharapuram SRO,
Karur District.

... Respondent

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 respondent pertaining to the order dated 27.06.2022 passed by the respondent, thereby refusing the process of registration and quash the same as illegal and arbitrary and direct the respondent to register petitioner's share over the properties comprised in S.No.1211/3, 1189, 978, 982, 982 of Thennilai East Village, Chinnadharapuram SRO., Karur Road, measuring to an extent of 4.83, 13.77, 9.02, 9.51 and 9.51 acres respectively and S.No.157 of Thennilai South Village, Chinnadharapuram SRO., Karur Road, measuring to an extent of 8.58 acres, as per decree of the learned Principal Sub Judge, Karur in O.S.No. 869 of 2018 at once.

For Petitioner : Mr.A.Rishab

For Respondent : Mr.J.K.Jayaseelan,
Government Advocate.



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ORDER

Heard the learned counsel on either side.

2.The writ petitioner wants the petition mentioned decree to be registered. The decree was passed on 10.09.2019. On the ground that it has been belatedly presented, the respondent refused to register the same. The impugned refusal check slip is put to challenge in this writ petition.

3.The issue raised in the writ petition is squarely covered by more than one decision of this Court. The Hon'ble Division Bench reported in **2019 3 MLJ 517 (S.Sarvothman Vs. The Sub Registrar, Pondicherry)** had held that the time limit stipulated in Section 23 of the Registration Act will have no application to a Court decree. Respectfully applying the said ratio, the impugned refusal check slip is quashed and the writ petition is allowed. The petitioner is permitted to represent the petition mentioned decree before the respondent. The respondent shall receive the same and register it and release the same subject to fulfilment of usual formalities. No costs.

04.08.2022

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

- 1.The District Collector,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
- 3.The Tahsildhar,
Kovilpatti Taluk,
Kovilpatti,
Thoothukudi District.



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G.R.SWAMINATHAN, J.

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