



W.P.No.6988 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6988 of 2023

1.Nallaya Gounder

2.Selvaraj

.. Petitioners

Vs.

1.The District Registrar,
Namakkal,
Ernapuram & Post,
Namakkal District.

2.The Sub-Registrar,
Paramathi,
Pavamathi Velur Taluk,
Namakkal District.

3.Pappathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent herein, issued in No.RFL/Paramathi/36/2022 dated 27.04.2022, quash the same and to issue directions to the 2nd respondent herein to register the Civil Court



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Decree in O.S.No.89 of 2021 dated 01.10.2021 on the file of the Subordinate Judge, Paramathi, within a limited time frame, without insisting on the limitation period of 4 months provided under Section 23 of the Registration Act, 1908.

For Petitioners : Mr.M. Ravi

For Respondents : Mr.Yogesh Kannadasan, [R1 & R2]
Special Government Pleader

ORDER

Heard Mr.M. Ravi, learned counsel for the petitioners and Mr.Yogesh Kannadasan, learned Special Government Pleader, appearing for the first and second respondents. Though notice served to the third respondent, there is no appearance on behalf of the third respondent.

2. When the petitioners herein, had sought for registration of a Decree of the Civil Court passed in O.S.No.89 of 2021 dated 01.10.2021, the second respondent herein, had refused the same through the impugned check slip dated 27.04.2022, stating that there is



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a bar under Section 23 of the Registration Act, 1908 (hereinafter called as 'the Act').

3. This Court, in its earlier order dated 20.06.2019 passed in W.P.(MD).No.13896 of 2019, had held that the limitation prescribed under Section 23 of the Act, is not a mandatory requirement and will not be applicable to registration of Court Decrees. In accordance with the order passed by this Court, the Inspector General of Registration had also issued a Circular dated 27.02.2023 in Na.Ka.No.34930/C1/2019, stating that the limitation prescribed under Section 23 of the Act, will not be applicable to the Court Decrees which are sought to be registered. Thus, the reason adduced in the impugned check slip for refusal, on the ground of limitation under Section 23 of the Act, cannot be sustained and consequently, the second respondent would be bound to register the Civil Court Decree, without reference to the limitation.

4. In the result, the impugned check slip dated 27.04.2022 on the file of the second respondent, is hereby quashed. Consequently, there



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shall be a direction to the second respondent herein, to forthwith register the Civil Court Decree passed in O.S.No.89 of 2021 dated 01.10.2021 on the file of Subordinate Judge, Paramathi, without placing reliance on the limitation prescribed under Section 23 of the Registration Act, 1908, within a period of two (2) weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands allowed. No costs.

23.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To
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- 1.The District Registrar,
Namakkal,
Ernapuram & Post,
Namakkal District.
- 2.The Sub-Registrar,
Paramathi,
Pavamathi Velur Taluk,
Namakkal District.



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M.S.RAMESH, J.

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