



W.P.No.5154 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5154 of 2023

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... Petitioner

Vs.

1. The District Registrar,
Registration Department, Salem.

2. the Sub-Registrar,
Vazhapady, Salem District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, call for records on the file of 2nd respondent in proceedings RFL/ Vazhapady/ 16/ 2023 dated 07.02.2023 and quash the same as illegal, incompetent and without jurisdiction and further direct the 2nd respondent to register the judgment dated 29.06.2022 in OS.316/2015, on the file of Subordinate Court, Attur, Salem District.

For Petitioner : Mrs.R.Poornima

For Respondents :
(R1 & R2) :Mr.C.Jaya Prakash, Government Advocate

ORDER



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The refusal check slip issued by the second respondent / Registering Authority is under challenge in the present writ petition.

2.The petitioner states that he instituted a Civil Suit in O.S.No.316 of 2015, on the file of the Subordinate Court, Attur, Salem District, for partition and consequential relief. The suit was decreed thereby declaring 1/5th share each in the suit properties therein. The petitioner presented a decree for registration. The second respondent returned the decree on the ground that the decree is to be presented for registration within a period of four (4) months and therefore, the document cannot be registered.

3.As far as the decree passed by the Civil Court is concerned, such limitation would not be applicable and therefore, it can be registered at any point of time. Thus, the reason stated in the order impugned is not in consonance with the spirit of the Registration Act since there is no impediment for registering decree passed by the Civil Court of law.

4.In view of the facts and circumstances, the impugned refusal check slip in proceedings RFL/ Vazhapady/ 16/ 2023 dated 07.02.2023 is quashed. The second respondent is directed to proceed with the



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registration, if the document is presented otherwise in accordance with the procedures contemplated. The said exercise is directed to be contemplated within a period of four (4) weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands **allowed**. No costs.

(sha)

19.07.2023

Index : Yes

Speaking Order

Neutral Citation : Yes

To

1. The District Registrar,
Registration Department, Salem.

2. the Sub-Registrar,
Vazhapady, Salem District.



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S.M.SUBRAMANIAM. J.,

(sha)

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