



WEB COPY



W.P.No.9318 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.9318 of 2023

R. Palanisamy

.. Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road,
Mylapore,
Chennai – 600 004.

2.The Sub-Registrar, Mulanur,
Sub-Registrar Office,
Mulanur,
Tiruppur District – 638 106.

... 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 of the second respondent's Refusal slip No.RFL/Mulanur/19/2022 dated 10.11.2022 and quash the same and direct the second respondent to register the certified copy of the Decree is O.S.No.409 of 2009 dated 03.02.2012 by the District Munsif Court, Dharapuram filed by the petitioner with the second respondent.



W.P.No.9318 of 2023

For Petitioner : Mr.J. Ranjith Kumar

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. When the petitioner herein, had sought for registration of a Decree of the Civil Court passed in O.S.No.409 of 2009 dated 03.02.2012, the second respondent herein, had refused the same through the impugned check slip dated 10.11.2022, stating that there is 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



W.P.No.9318 of 2023

WEB COPY

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 10.11.2022 on the file of the second respondent, is hereby quashed. Consequently, there shall be a direction to the second respondent herein, to forthwith register the Civil Court Decree passed in O.S.No.409 of 2009 dated 03.02.2012 on the file of the District Munsif Court, Dharapuram, 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.



W.P.No.9318 of 2023

M.S.RAMESH, J.

Sni

5. With the above direction, the Writ Petition stands allowed.

No costs.

27.03.2023

Speaking Order

Internet: Yes

Index: Yes

Neutral Citation: Yes

Sni

To

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road,
Mylapore,
Chennai – 600 004.

2.The Sub-Registrar, Mulanur,
Sub-Registrar Office,
Mulanur,
Tiruppur District – 638 106.

W.P.No.9318 of 2023