



WEB COPY

W.P. No.34888 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.34888 of 2022

A.G.Mathivanan

... Petitioner

Vs.

1. The Inspector General of Registration,
No.120, Santhome High road,
Foreshore Estate, Chennai-25.

2. The District Registrar,
No.5/1, Durgaiammankoil street,
Thiruvannamalai-606 601.

3. The Sub-Registrar,
O/o Sub registrar,
Kilpennthur Taluk,
Thiruvannamalai – 604 601.

4. K.Shanthi Sundaram
(R4 impleaded vide order dated 25.04.2023
made in W.M.P.No.2818 of 2023
in W.P.No.34888 of 2022)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 3rd respondent to register the certified copy of Judgment and decree passed in O.S.No.131 of 2009 on the file of Principal District Munsif, Tiruvannamalai on payment of registration charges alone without insisting for payment of any stamp duty and also the limitation u/s 23 of Registration Act.



For Petitioner : Mr.R.Dhinesh Kumar

For Respondents : Mr.P.Gurunathan
Additional Government Pleader for R1 to R3

M/s.Pramila for R4.

ORDER

This writ petition is filed seeking a writ of Mandamus directing the 3rd respondent to register the certified copy of Judgment and decree passed in O.S.No.131 of 2009 on the file of Principal District Munsif, Tiruvannamalai, on payment of registration charges alone without insisting for payment of any stamp duty and also the limitation u/s 23 of Registration Act.

2. The learned counsel for the petitioner submitted that the petitioner has made a representation dated 15.11.2022, before the Sub Registrar and so far, his representation has not been considered. But, the learned counsel is not in a position to say as to whether the petitioner has already presented the decree for registration during which, the official respondents made a demand or passed any refusal check slip.



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3. The learned counsel for the private respondent/4th respondent submitted that the said decree has been challenged by way of appeal and the same is pending. Hence, prayed for the dismissal of the present writ petition.

4. Once a decree is passed and the same is not been set aside, registering the decree will not cause any prejudice to the private respondent.

5. Therefore, the 3rd respondent/Sub Registrar is directed to consider the petitioner's representation dated 15.11.2022 and register the decree passed in O.S.No.131 of 2009, on the file of Principal District Munsif, Tiruvannamalai, if the decree is otherwise in order.

6. The private respondent/4th respondent is at liberty to work out his remedy in the pending appeal, in the manner known to law.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

16.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The Inspector General of Registration,
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P.VELMURUGAN. J.

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