



W.P(MD)No.180 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.180 of 2023

and

W.M.P.(MD)No.157 of 2023

M.Krishnasamy

... Petitioner

Vs.

1.The District Registrar,
Tuticorin District,
Near New Bus Stand,
Tuticorin.

2.The Sub Registrar,
Kadambur,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent dated 23.11.2022 in proceedings No. NIL and quash the same and consequently direct the 2nd respondent to register the final decree passed in O.S.No.97 of 1968 on the file of Sub Court, Tuticorin.



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For Petitioner : Mr.P.S.Sundaram

For Respondents : Mr.N.Satheeskumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.All that the petitioner wants the registration of the petition mentioned final decree. When it was presented for registration, the second respondent declined to register the same on the ground that it is barred by limitation. The second respondent places reliance on Section 23 of the Registration Act. Questioning the same, the present writ petition has been filed.

3.As rightly pointed out by the learned counsel for the petitioner, the issue is no longer res integra. The Hon'ble Division Bench in W.A.No.336 of 2019 dated 07.02.2019 held that the time limit stipulated under Section 23 of the Registration Act will have no application to a court decree.

4.In that view of the matter, the impugned refusal slip is quashed. The petitioner is permitted to re-present the petition mentioned final decree. The



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second respondent will receive the same and register it subject to fulfilment of usual formalities. Only standard stamp duty is payable. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2023

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

- 1.The Revenue Divisional Officer,
Lalgudi, Trichy District.
- 2.The Tahsildar,
Mannachanallur Taluk,
Trichy District.



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G.R.SWAMINATHAN, J.

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