



W.P(MD)No.6334 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.6334 of 2023
and
W.M.P(MD) No.5997 of 2023

Robert Francis

... Petitioner

Vs.

1.The Inspector General of Registration,
D.No. 100, Santhome High Road,
Foreshore Estate,
Pattinampakkam,
Chennai - 600 028.

2.The District Registrar
District Registrar Office,
District Collector Office,
Dindigul,
Dindigul District.

3.The Sub Registrar
Sanarpatti Registrar Office,
Sanarpatti,
Dindigul District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned refusal check slip No.RFL/Sanarpatti/3/2023 dated 15.02.2023 issued by the second respondent herein and quash the same as illegal and direct the second respondent to register the final decree passed by the learned Additional Sub Judge, Dindigul in I.A.No.611 of 2010 in O.S.No.238 of 2009 dated 27.09.2012.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus calling into question a refusal check slip No.RFL/Sanarpatti/3/2023 dated 15.02.2023 issued by the second respondent, District Registrar, Dindigul, when the petitioner had presented a final decree for registration. The said final decree was passed in I.A.No.611 of 2010 in O.S.No.238 of 2009, dated 27.09.2012.



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2. The primary reason given is with reference to a writ petition which had been filed, not related to the petitioner or related to the property of the petitioner, but wherein, general directions were given about scrutiny of documents presented for registration. The said writ petition was W.P.(MD)No.5955 of 2014 which had been disposed of 27.07.2016. However, presentation of an exparte decree, cannot be refused to be registered merely because a decree was obtained exparte.

3. The learned counsel for the petitioner states that the suit was filed and preliminary decree was passed on 24.02.2010, final decree was passed on 27.09.2012 and thereafter, execution petition was also filed and possession was also taken by the petitioner herein. Naturally, the petitioner has obtained valuable title and interest under the said decree. The said title relates to immovable property. Once title is granted by a decree to an immovable property, such decree can be registered under section 23 of the Registration Act. The only issue is with respect to limitation. However, the respondents themselves have issued a circular in Na.Ka.No.34930/C1/2019 dated 27.02.2023, wherein, consequent to the directions of this Court, the period of



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limitation has been done away with and it has been very specifically stated that the decree can be registered even when presented beyond the period of limitation.

4. Therefore, a direction is given that when the petitioner re-presents the decree for registration which should be done through proper procedure from that date, within a period of fifteen (15) working days, the second respondent should register the said decree in I.A.No.611 of 2010 in O.S.No.238 of 2009 dated 27.09.2012 / Additional Subordinate Court, Dindigul.

5. With the above direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
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C.V.KARTHIKEYAN, J.

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