



WP(MD)No.7273 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.7273 of 2022

Rengasamy

.. Petitioner

v.

1.The Inspector General of Registration,
100, Santhom High Road,
Rajaannamalaipuram,
Chennai – 28.

2.The District Registrar,
Palayamkottai,
Tirunelveli District.

3.The Sub Registrar,
Kalugumalai,
Thoothukudi District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 08.01.2022 and pass appropriate orders.



WEB COPY



WP(MD)No.7273 of 2022

For Petitioner : Mr.C.Selvakumar

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner has purchased a property on Court auction and has produced the document for registration, however, with delay. Therefore, the petitioner's application was not considered and hence, the petitioner has moved this Court.

2.Learned Additional Government Pleader, by referring Section 23 of the Registration Act, submitted that the document sought to be registered ought to have been submitted within a period of four months from the date of it's execution, however, the petitioner has approached the registering authority after ten years for the documents which he has purchased through Court auction. Therefore, in view of Section 23 of the Act, they have not taken any action.



WP(MD)No.7273 of 2022

WEB COPY

3.Learned Counsel for the petitioner submitted that the petitioner is ignorant of the provision under Section 23 of the Act, however, he has duly purchased the property under the Court auction. He further submitted that the patta, electricity service connection and other documents have also been mutated in the petitioner's name. However, in the absence of any entry in the Sub-Registrar's Office, further encumbrance can be made in his property and therefore, he prayed for appropriate orders.

4.Heard the learned Counsel appearing on either side and perused the available materials.

5.A Court decree is not compulsorily registrable and an option lies with the party. Therefore, the limitation prescribed under the Act would not stand attracted for registering the Court decree. A Division Bench of this Court, in similar circumstances, in ***S.Sarvothaman v. Sub Registrar, Oulgaret, Pondicherry*** [(2019) 3 MLJ 517], has held that the time limit stipulated under Section 23 of the Registration Act will have no application



WP(MD)No.7273 of 2022

to a Court decree. By holding so, the Division Bench has also set aside the order passed by the Sub Registrar for not registering the document.

6.Following the decision of the Division Bench in *Sarvothaman's* case (supra), this writ petition stands allowed with a direction to the respondents to register the Court decree and the sale certificate within a period of two weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

14.08.2023

To

- 1.The Inspector General of Registration,
100, Santhom High Road,
Rajaannamalaipuram,
Chennai – 28.
- 2.The District Registrar,
Palayamkottai,
Tirunelveli District.
- 3.The Sub Registrar,
Kalugumalai,
Thoothukudi District.



WEB COPY



WP(MD)No.7273 of 2022

B.PUGALENDHI, J.

gk

WP(MD)No.7273 of 2022

14.08.2023