



W.P.(MD)No.9670 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9670 of 2021

C.Sethuraj

... Petitioner

Vs.

1.The District Registrar,
Tirunelveli,
Tirunelveli District.

2.The Sub Registrar,
Radhapuram,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 1st respondent dated 10.02.2021 passed in No.764/B1/2021 and quash the same and consequentially direct the 2nd respondent to register properties 1) Sy.No.1904/1 Hector 2.36.5 equal to 5 acres 84 cents 2) Sy.No.1904/2 Hector 1.18.0 equal to 2 acres 91 cents 3) Sy.No. 1962 Hector 1.47.o equal to 3 acres 63 cents 4) Sy.No. 1963/1 Hector 0.90.0 equal to 2 acres 23 cents 5) Sy.No.1963/2 Hector 0.04.5 equal to 11 cents 6) Sy.No.1963/3 Hector 0.58.5 equal to 1 acres 45 cents 7) Sy.No.1964/1 Hector 2.96.5 equal to 7 acres 32 cents and 8) Sy.No.1965 5 acres 9 cents sub divided as survey No. 1965/1 hector



W.P.(MD)No.9670 of 2021

0.75.0 and Sy.No.1965/2 Hector 1.31.0 in the Judgment and Decree dated 28.03.2018 passed by the learned IV Additional District Judge in A.S.No. 11 of 2018 confirming the Judgment and Decree dated 06.10.2012 passed by the Subordinate Judge, Vallioor, Tirunelveli District in O.S.No.16 of 2009.

For Petitioner : Mr.G.Anbu Saravanan
For Respondents : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the first respondent dated 10.02.2021, refusing to register the Judgment and Decree passed in A.S.No.11 of 2013 dated 28.03.2018, on the file of the learned IV Additional District Judge, Tirunelveli, confirming the Judgment and Decree dated 06.01.2012 passed by the Sub Court, Valliyoor, Tirunelveli District in O.S.No.16 of 2009.

2. Heard the learned counsel on either side.

3. The respondents have refused to entertain the registration of the Judgment and Decree on the ground of Limitation. It is now well settled that the period of limitation as prescribed under Section 23 of the



W.P.(MD)No.9670 of 2021

Registration Act, 1908, will not apply to a Decree. Useful reference can be made to the Judgment of the Division Bench of this Court in the case of ***Sarvothaman Vs. Sub-Registrar, Oulgaret, Pondicherry*** reported in 2019 (2) CWC 314. The subsequent Judgment in the case of ***M.Rajendran and Others Vs. the Inspector General of Registration, Chennai and Others*** reported in ***2021-3-LW602*** can also be taken note of.

4. In view of the above, the impugned proceedings passed by the first respondent in No.764/B1/2021 dated 10.02.2021 is hereby set aside. There shall be a direction to the second respondent to entertain the Certified Copy of the Judgment and Decree passed by the competent Civil Court and register the same, if it is otherwise in order.

5. In the result, the Writ Petition is allowed with the above directions. No costs.

15.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.9670 of 2021

N.ANAND VENKATESH, J.

TSG

To

1.The District Registrar,
Tirunelveli,
Tirunelveli District.

2.The Sub Registrar,
Radhapuram,
Tirunelveli District.

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