



W.P(MD)No.8579 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.8579 of 2023
and WMP(MD)No.7882 of 2023

S.Elangovan

... Petitioner

Vs

1. The District Registrar,
Karur District, Karur.
2. The Sub - Registrar (Joint I),
Karur, Karur 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 relating to impugned check slip having Refusal Number RFL/I-Joint Sub Registrar Karur/2/2023, dated 01.02.2023 issued by the second respondent and quash the same and consequently direct the second respondent to register decree in O.S.No. 227 of 2013, dated 27.03.2014 passed by the Principal Subordinate Judge, Karur relating to the property measuring to an extent of 2156 Sq.feet situated in Survey No. 1420, having Door No. 534 A/5 and Plot No. 36, Sanapiratti Village, Karur Taluk, Karur District within



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reasonable time period fixed by this Court.

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For Petitioner	:Mr. V.Sukumar
For R1,R2	:Mr.M.Prakash Additional Government Pleader

ORDER

The writ petition had been filed in the nature of Certiorarified Mandamus, seeking interference with a refusal check slip in refusal No.RFL/I-Joint Sub Registrar, Karur/2/2023, dated 01.02.2023 issued by the second respondent/Sub Registrar, Joint I, Karur District and to direct the second respondent to register the decree in O.S.No. 227 of 2013, dated 27.03.2014 passed by the Principal Subordinate Judge at Karur.

2.The petitioner was the plaintiff in O.S.No.227 of 2013. He had filed the suit for declaration and permanent injunction against the defendants therein. The defendants had taken a conscious stand not to appear before the trial Court and consequently, an exparte decree was passed on 27.03.2014.

3.Since a right had accrued consequent to declaration issued by the Civil Court, the petitioner had represented the decree for registration



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before the second respondent. By way of impugned check-slip, the second respondent had refused to register the same stating that it is barred by limitation and beyond the period as prescribed under Section 23 of the Registration Act, 1908.

4.The second respondent must be aware of the circular issued by I.G.of Registration Department in Na.Ka.No.34930/C1/29, dated 27.02.2023, which circular had been issued, after a series of orders were passed not only by Division Bench but also subsequently by learned Single Judges that time prescribed under Section 23 of the Registration Act, 1908 is only a directory, and not mandatory. The said circular stated that such decree should be registered, provided if it is otherwise in order. The issue of limitation should not be examined. Therefore, the impugned order is set aside.

5.The petitioner is directed to represent the decree in proper form through online. A direction is given to the second respondent to examine the same, if it is otherwise in order, then register the decree. The said exercise should be completed within a period of six weeks from the date of receipt of a copy of this order.



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6.With the above directions, this writ petition stands disposed.

No costs. Consequently, connected miscellaneous petition is closed.

17.04.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No

PNM

To

1. The District Registrar,
Karur District, Karur.
2. The Sub - Registrar (Joint I),
Karur, Karur District.



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C.V.KARTHIKEYAN,J.

PNM

ORDER IN
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