



W.P.(MD)No.12162 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12162 of 2020

Sasikala

... Petitioner

-VS-

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

2.The Sub Registrar,
Sholavandhan Sub Registrar Office,
Sholavandhan, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the proceedings of the second respondent, vide his proceedings in Na.Ka.No.124/2020, dated 07.09.2020, quash the same and consequently, direct the second respondent to register the certified copy of the decree dated 14.11.2016, passed in the suit in O.S.No.157 of 2009, on the file of the District Munsif Court, Vadipatti, Madurai District.



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For Petitioner : Mr.M.Thiyagarajan
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip issued by the second respondent, dated 07.09.2020, wherein the second respondent has refused to register the decree that was passed in O.S.No.157 of 2009, dated 14.11.2016, on the ground that it is barred by limitation.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

3. The issue involved in this Writ Petition is no longer *res integra* and this Court has repeatedly held that the limitation provided under Section 23 of the Registration Act, 1908, will not apply to a Court decree. Even subsequently, a Circular has been issued by the Inspector General of Registration, directing the registration of a decree without refusing the same on the ground of limitation.



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4. In view of the above, the impugned check slip issued by the second respondent, dated 07.09.2020, is hereby quashed and there shall be a direction to the second respondent to register the certified copy of the decree, dated 14.11.2016, passed in O.S.No.157 of 2009, by the learned District Munsif, Vadipatti, Madurai, subject to the petitioner fulfilling all the other requirements.

5. In the result, this Writ Petition is allowed with the above direction.

No costs.

NCC : Yes/No
Index : Yes/No
smn2

13.12.2023

To

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

2.The Sub Registrar,
Sholavandhan Sub Registrar Office,
Sholavandhan, Madurai District.

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N.ANAND VENKATESH, J.

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