



W.P.(MD) No.11785 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.05.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11785 of 2023

M.Balasubramanian

... Petitioner

Vs.

1. The District Collector,
O/o. the District Collector,
Tirunelveli District.
2. The Sub-Registrar,
O/o. the Sub-Registrar, Joint II,
Tenkasi District.
3. The District Forest Officer,
O/o. the District Forest Officer,
Tirunelveli District.
4. The Forest Ranger,
Courtallam Division,
Senkottai Taluk, Tenkasi District.
5. The Tahsildar,
O/o. the Tahsildar,
Tenkasi Taluk, Tenkasi District.

... Respondents



W.P.(MD) No.11785 of 2023

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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check slip in refusal number RFL/The Sub-Registrar, Joint II, Tenkasi /39/2023 dated 28.04.2023 passed by the Respondent No.2 and to quash the same as illegal, incompetent and ultravires and consequently direct the Respondent No.2 to forthwith register the judgement and decree, dated 25.01.2008 passed in O.S.No.982 of 2004 on the file of District Munsif Court, Tenkasi without insisting No Objection Certificate from the Respondent Nos. 3 and 4.

For Petitioner : Mr.M.Maharaja
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner obtained a decree in his favour along with others in O.S.No.982 of 2004, on the file of the Principal District Munsif Court, Tenkasi. It was presented for registration. The registering authority declined to comply with the petitioner's request on the ground that the petitioner had



W.P.(MD) No.11785 of 2023

not obtained “Clearance / No Objection” from the third respondent. To this effect, the impugned refusal check slip was issued.

3. The stand taken by the registering authority cannot be accepted.

All that the petitioner seeks is only registration of the Court decree. The time limit set out under Section 23 of the Registration Act, 1908, is not applicable to the registration of Court decree. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the Court decree. The same shall be registered subject to the fulfilment of other usual formalities.

4. The writ petition is allowed. No costs.

11.05.2023

NCC :No
Internet :Yes
Index :No
PKN



W.P.(MD) No.11785 of 2023

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W.P.(MD) No.11785 of 2023

G.R.SWAMINATHAN, J.

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