



W.P.(MD)No.15415 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.15415 of 2022

and

W.M.P.(MD)No.11057 of 2022

A.Pushpa Rani

... Petitioner

vs.

The Sub Registrar (Joint I)
District Registrar Office,
Contonment, Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to call for the records relating to the impugned Refusal Check Slip passed by the respondent in RFL/1 Number Joint Sub-Registrar, Trichy/330/2021, dated 08.12.2021 and to quash the same and consequently, to direct the respondent to register the certified copy of the final decree in I.A.No.22 of 2022 in O.S.No. 1185/1999 on the file of the II Additional District Munsif Court, Trichy, dated 03.10.2022 filed by the petitioner.

For Petitioner :Mr.C.Vakeeswaran

For Respondent :Mr.M.Prakash
Additional Government Pleader



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ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order passed by the respondent in RFL/1 Number Joint Sub-Registrar, Trichy/330/2021, dated 08.12.2021 and consequently, to direct the respondent to register the certified copy of the final decree in I.A.No.22 of 2022 in O.S.No. 1185/1999 on the file of the II Additional District Munsif Court, Trichy, dated 03.10.2022 filed by the petitioner.

2.Heard Mr.C.Vakeeswaran, learned Counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the respondent.

3.The issue is no more *res integra*. Though Section 23 of the Registration Act, 1908, stipulates a limitation of four months for presenting a Court decree for registration, in a catena of judgments, this Court had struck out that particular provision and it had been stated that the Court decree can be presented even after the period of limitation.



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4.The Government had issued a circular in Na.Ka.No. 34930/C1/2019, dated 27.02.2023, wherein, instructions have been issued to the officers of the Sub Registrar to register Court decree, even if it is presented after the period of limitation.

5.The said circular directly applies to this case and a direction is issued to the respondent to register the decree presented by the petitioner for registration. The petitioner is directed to present the decree after following due procedure through online for registration and the petitioner may also give necessary reasons for the delay in presenting the decree for registration. If it is done so, the respondent may register the same within a period of fifteen working days thereafter.

6.The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

21.03.2023



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To

The Sub Registrar (Joint I)
District Registrar Office,
Contonment, Trichy.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
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21.03.2023