



W.P(MD)No.16503 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.16503 of 2022

S.Stephen Jesuraj

... Petitioner

Vs

The Sub-Registrar,
O/o. The Sub-Registrar,
Nazareth,
Thoothukudi.

... Respondent

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 the Refusal Check Slip passed by the respondent in Refusal No.RFL/Nazareth/26/2022, dated 16.06.2022 and quash the same and consequently directing the respondent to entertain the judgment and decree passed by the learned District Munsif, Sathankulam in O.S.No.31 of 2016, dated 11.01.2017 for registration and to register the same.

For Petitioner : Mr. M.P.Senthil.

For Respondent : Mr.M.Prakash
Additional Government Pleader



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ORDER

The Writ Petition has been filed in the nature of certiorarified mandamus, seeking interference with the order of the respondent/Sub-Registrar, Nazareth, Thoothukudi, who had refused to register the decree passed by the learned District Munsif, Sathankulam in O.S.No.31 of 2016 dated 11.01.2017, by order dated 16.06.2017 stating that it was presented beyond the period of limitation, as prescribed by Section 23 of the Registration Act, 1908.

2.In the affidavit filed in support of the writ petition, it has been stated that consequent to a suit filed for declaration of title and recovery of possession relating to property at S.No.50/1, the District Munsif, Sathankulam had passed a decree on 11.01.2017 in O.S.No.31 of 2016. The said decree was presented for registration on 16.06.2022, but the same was refused by the respondent, since it was presented beyond the period of limitation as prescribed under Section 23 of the Registration Act, 1908.

3.The issue is no longer *res-integra*. The issue of limitation



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cannot be raised by the Sub Registrar, when any decree is presented for registration as per circular in Na.Ka.No.34930/C1/2019, dated 27.02.2023.

Therefore, the petitioner is directed to present the certified copy of the said decree again for registration through online, within a period of three weeks, from the date of receipt of a copy of this order. The respondent should register the same, after going through the procedure, within ten working days, thereafter.

4. Accordingly, this Writ Petition is allowed. No costs.

17.03.2023

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

PNM

To

The Sub-Registrar,
O/o. The Sub-Registrar,
Nazareth,
Thoothukudi.

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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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