



WP (MD) No.16718 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Boomiraja Subbu

... Petitioner

Vs

1.The Sub Registrar,
Office of the Sub Registrar Office,
Manamadurai,
Sivagangai District.

2.Jeyalakshmi

3.Senthil

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 1st respondent to register the judgment and decree passed in AS.No.160 of 1996 and AS.No.133 of 1996 dated 10.09.1997, on the file of the Principal District Court, Sivagangai and SA.No.384 and 385 of 2000 dated 13.02.2002, on the file of the Madras High Court in respect of the suit schedule properties in Old.G.R.No.44 /161 in Old Door No.148, 149, 150 and 151 in Old Ward No.2 and New GR.No.44/161B, in New Door Nos.2/19, 2/17, 2/5 and 2/13 in New ward No.5, total extent of 2068 ½ Sq.Fts, Manamadurai Town, Manamadurai Municipality, Sivagangai District, under Section 23 of Tamil Nadu Registration Act and issue an encumbrance certificate to the petitioner.



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For petitioner : Mr.G.Jeremiah John
For Respondent : Ms.D.Farjana Ghousia,
No.1 Special Government Pleader

ORDER

This writ petition has been filed for a writ of mandamus directing the 1st respondent to register the judgment and decree passed in AS.Nos.160 and 133 of 1996 dated 10.09.1997, on the file of the Principal District Court, Sivagangai and SA.No.384 and 385 of 2000 dated 13.02.2002 on the file of this Court in respect of the suit schedule properties in Old.G.R.No.44 /161 in Old Door No.148, 149, 150 and 151 in Old Ward No.2 and New GR.No.44/161B, in New Door Nos. 2/19, 2/17, 2/5 and 2/13 in New ward No.5, total extent of 2068 ½ Sq.Fts, Manamadurai Town, Manamadurai Municipality, Sivagangai District as per Section 23 of the Tamil Nadu Registration Act.

2.The learned Special Government Pleader appearing for the respondent No.1 seeks time to get instructions.



3. The learned Counsel for the petitioner submits that the petitioner is having the judgment and decree of the civil court and he has also relied on the orders of this Court in the case of **S.Sarvothaman Vs Sub Registrar, Oulgaret, Pondicherry** reported in (2019) 3 MLJ 517, wherein this Court has held as follows:

“13. As pointed out by us earlier, we need to first address the legal issue, which arises for consideration as to whether at all the law of limitation as prescribed under Section 23 of the Act would apply to a court decree.

14. This question is no longer res integra and this Court has consistently held that the law of limitation will not apply when a court decree is presented for registration. Earliest of the decisions, which has been followed consistently by a Division Bench of this Court is in the case of A.K. Gnanasankar Vs Joint II Sub Registrar, Cuddalore [reported in 2007 (2) TCJ 68]. In the said decision, this Court held that the limitation prescribed for presenting a document does not apply to a decree, as it is a permanent record of the court and to register the same, no limitation is prescribed.

26. As pointed out by us earlier, the time limit stipulated under Section 23 of the Act will have no application to a court decree. For the above reasons, we are of the considered view that the reasons assigned by the respondent for refusing to register the



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*decree dated 29.4.1970 vide order dated 05.7.2018 is
unsustainable in law.”*

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4.Applying the ratio laid down by this Court in the case cited supra, this writ petition is allowed. The 1st respondent is directed to register the judgment and decree as prayed for in this writ petition. No costs.

20.07.2023

NCC:Yes / No

Internet: Yes/ No

Index: Yes/ No

dsk

To
The Sub Registrar,
Office of the Sub Registrar Office,
Manamadurai,
Sivagangai District.



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B.PUGALENDHI, J.

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