



W.P.(MD)No.22430 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22430 of 2021

P.Thangapandi

... Petitioner

Vs.

- 1.The Secretary to Government,
Commercial Taxes and Registration Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-9.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai - 600 028.
- 3.The Deputy Inspector General,
Madurai North,
Integrated Complex of Registration Department,
TNAU Nagar,
Rajakambeeram, Y.Othakadai,
Madurai 625 107.
- 4.The District Registrar
Office of the District Registrar,
Dindigul.



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5. The Sub Registrar
Batalagundu,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to register the certified copy of the decree dated 22.04.2019 made in AS No.71 of 2017 on the file of Principal Sub Court, Dindigul, confirming the decree, dated 22.12.2016 made in OS No.33 of 2014, on the file of District Munsif Court, Nilakottai, as per the order dated 25.06.2021, made in WP (MD)Nos. 8091 of 2020 etc. passed by following the Judgement of Honble Division Bench in WA(MD).No.336 of 2019 High Court, Madurai Bench within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of writ of mandamus directing the fifth respondent to register the Certified Copy of the Decree passed in A.S.No.71 of 2017 by the Principal Sub Court, Dindigul, dated 22.04.2019.



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2. The grievance of the petitioner is that the Certified Copy of the Decree was produced before the fifth respondent for registration and the fifth respondent did not take any steps to register the Decree. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3. In the considered view of this Court, the issue involved in the present Writ Petition is covered by the earlier orders passed by this Court. Once the petitioner produces the Certified Copy of the Judgment and Decree, it has to be registered by the Sub Registrar and even Section 23 of the Registration Act, 1908, will not be applicable and the Sub Registrar cannot refuse to register the Decree on the ground of limitation.

4. In view of the above, there shall be a direction to the petitioner to produce the Certified Copy of the Judgment and Decree before the fifth respondent and the fifth respondent on receipt of the same shall register the Decree, subject to the petitioner's fulfilling the other requirements.



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5. This Writ Petition is disposed of with the above directions.

No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

- 1.The Secretary to Government,
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- 2.The Inspector General of Registration,
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N.ANAND VENKATESH, J.

tsg

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