



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28137 of 2022

and

W.M.P. (MD)No.22213 of 2022

Sekar @ Gunasekaran

... Petitioner

Vs.

1.The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar (Administration),
Karur,
Karur District.

3.The Sub-Registrar,
(*)karur Joint-II Registrar Office,
Karur District.

4.Periyasamy

5.A.Kanthasamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order passed by the third respondent in his proceedings in RFL/2 An Sub Registrar, Karur/79/2022, dated 27.09.2022 and quash the same as illegal and consequently, direct the third respondent to register the final decree dated 23.04.1990 in I.A.No.290 of 1989 in O.S.No.12 of 1986 on the file of the Sub Court, Karur in respect of S.F.Nos.276/36B, 286/2A, 276/19B, 407/A1A, 305/A11B, 305/B1, 305/B2B & 305/A9B.

For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader
for R1 to R3

: No appearance for R4 & R5

**ORDER**

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 to 3. Though the private respondents have been served, they have not chosen to enter appearance.

2.The only request made by the writ petitioner is for registering the petition mentioned final decree. The first reason given for refusal is that it was not presented in time. It is well settled that Section 23 of the Registration Act will not apply for registration of Court decrees.

3.In this view of the matter, the order impugned in this writ petition has to be set aside. Of course, few other reasons have been given even in the impugned refusal check slip. When what is sought to be registered is the court decree, it will have to be registered as such. It is seen that the decree was passed as early as on 23.04.1990. The subdivisions in respect of some survey numbers appear to have taken place subsequently. When an online application is submitted unless all the fields are correctly filled up, the system will not accept the application for registration. I can understand the stand taken by the third respondent. But the third respondent must bear in mind that he cannot refuse to register a court decree even if it is belatedly submitted. If online application cannot be processed, the petitioner must be permitted to present the document in person and thereafter the same will have to be registered. I, therefore, permit the petitioner to present the decree in question in person before the third respondent and the third respondent will register the same.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

(*)Corrected as per the order of this court dated 09.03.2023 made in WMP(MD).No. 4459 of 2023 in WP(MD).No. 28137/22

Sd/-

Assistant Registrar ()

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

Ias



(*) To be substituted the order already despatched on 16.02.

To

- 1.The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road,
Chennai-600 028.
 - 2.The District Registrar (Administration),
Karur,
Karur District.
 - 3.The Sub-Registrar,
(*)karur Joint-II Registrar Office,
Karur District.
- +1 CC to M/s.S.GOKULRAJ, Advocate (SR-4327[F] dated 27/01/2023)
(Sr.No. 14118 dated 09/03/2023)
+1 CC to M/s.SPL.GP (SR-4532[F] dated 30/01/2023)

W.P (MD) No.28137 of 2022
27.01.2023

RD(13/02/2023) 3P 6C
KB(31/03/2023) 3P 6C