



WEB COPY



WP.No.2652 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.2652 of 2020
and W.M.P.No.3089 of 2020

K.Thangaraj

.. Petitioner

Versus

1.The Inspector General of Registration
No.100, Santhome High Road
Foreshore Estate, Chennai – 600 028

2.The Sub-Registrar
Sub Registrar Office
Perundurai, Erode District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for all the records on the file of the 2nd respondent in RFL/Perundurai/38/2019 dated 18.10.2019 and quash the same and consequentially direct the 2nd respondent to register the document returned under RFL/Perundurai/17/2019 dated 02.05.2019.

For Petitioner : Mr.A.Sundara Vadhanan

For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for disposal.



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2. Challenging the refusal slips issued by the second respondent refusing to register the decree dated 02.01.2019. Originally, the petitioner had presented the decree on 02.05.2019 and the same was returned on 02.05.2019 on the ground that separate patta is not obtained and the petitioner after obtaining a separate patta had represented the decree on 18.10.2019, however, the same was refused to be registered on the ground that the decree presented by the petitioner is beyond the period of limitation, i.e., 4 months.

3. Heard both sides and perused the entire materials placed on record.

4. This Court has repeatedly held that any decree or a sale certificate of the Court is presented for registration, the delay contemplated under Section 23 of the Registration Act, 1908 will not apply. It is relevant to point out this Court in the case of *M.Rajendran vs. The Inspector General of Registration and others* by common order dated 25.06.2021 made in *W.P.(MD).Nos.8091, 8093 & 9446 of 2020* had elaborately discussed and held that the delay as contemplated under Section 23 of the Registration Act is not a bar for registering the sale certificate or a decree of the Court.



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5. Such view of the matter, the impugned orders are set aside and there shall be a direction to the second respondent to register the decree dated 02.01.2019 presented by the petitioner. Such exercise shall be completed within a period of 15 days from the date of receipt of a copy of this Order.

6. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.04.2024

dhk

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1.The Inspector General of Registration
No.100, Santhome High Road
Foreshore Estate, Chennai – 600 028

2.The Sub-Registrar
Sub Registrar Office
Perundurai, Erode District



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N. SATHISH KUMAR, J.

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