



WEB COPY



WP.No.9860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9860 of 2024

Rathinasamy

.. Petitioner

Versus

1.The District Registrar,
Tirupur,
Tirupur District.

2.The Sub-Registrar,
Avinashi,
Tiruppur District,
Tiruppur.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the order dated 04.03.2024 bearing refusal no.RFL/Avinashi/21/2024 on the file of the second respondent and quash the same and consequently direct the second respondent to register and release the compromise decree and judgment dated 30.10.2023 to the petitioner within a stipulated time.

For Petitioner : Mr.K.Myilsamy
For Respondents : Mr.P.Anandhakumar, GA

ORDER

This Writ Petition has been filed challenging the refusal slip issued by

<https://www.mhc.tn.gov.in/judis>



WP.No.9860 of 2024

the second respondent while compromise decree was presented for registration on the ground that the property has been attached in O.S.No.262 of 1996 in Memo no.17 of 2000.

2. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

3. At the outset, a refusal of registration of documents cannot be sustained in the eye of law for the simple reason that mere recording the compromise decree would itself not amount to transfer or alienation of the immovable property. Therefore, Section 22-B of the Registration Act will not apply in the present case. Further, even assuming that if there is Civil Court attachment of the property effected in the year 2000, execution of the same has to be taken within a period of 12 years and when no such execution is taken place, the rights accrued in the decree will automatically get extinguished by operation of the Limitation Act. In such view of the matter, the owner of the land cannot be deprived of his right, which is a constitutional right to deal with the property. Hence, there is a direction to the respondents to register the compromise decree. Even assuming that still attachment is there and any transaction or sale is made, such sale is void only to the extent of the claim



WP.No.9860 of 2024

enforceable under attachment not in its entirety.

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4. With the above observation, this writ petition is disposed of. No costs.

10.04.2024

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1. The District Registrar,
Tirupur,
Tirupur District.

2. The Sub-Registrar,
Avinashi,
Tiruppur District,
Tiruppur.

N. SATHISH KUMAR, J.



WEB COPY



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