



W.P(MD).No.8850 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.8850 of 2022

Ramachandran

... Petitioner

Vs.,

The Sub Registrar,
Palliyadi Sub Registrar Office,
Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to register the decree in O.S.No.49 of 2019 passed by the Principal District Munsif Court, Kuzhithurai, dated 18.11.2021 in respect of petitioner's property situated in Re.Sy.No.469/3 of Nattalam Village, Vilavancode Taluk to the extent of 2 acres 83 square meter equivalent to 7 cents by considering the petitioner's representation dated 16.04.2022.

For Petitioner : Mr.K.P.Narayanakumar
For Respondent : Mr.C.Satheesh
Government Advocate



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ORDER

The writ petition has been filed for issuance of Writ of Mandamus directing the respondent to register the decree in O.S.No.49 of 2019 passed by the learned Principal District Munsif, Kuzhithurai, dated 18.11.2021, in respect of petitioner's property situated in Re.Sy.No.469/3 of Nattalam Village, Vilavancode Taluk to the extent of 2 acres 83 square meter equivalent to 7 cents by considering the petitioner's representation dated 16.04.2022.

2. Heard both sides.

3. It is the case of the petitioner that when he presented the petition mentioned decree for registration, the respondent refused to register the same. Hence, he seeks direction.

4. This Court in catena of judgments has held that any sale certificate or a decree of the Court is presented for registration, the delay contemplated under Section 23 of the Registration Act, 1908 will not apply. One of such judgment in the case of *M.Rajendran vs. The Inspector General of Registration and others* by



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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.

5. In such view of the matter, the respondent is directed to register the petition mentioned decree within a period of seven days from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is allowed. No costs.

09.08.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

The Sub Registrar,
Palliyadi Sub Registrar Office,
Kanyakumari District.



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N.SATHISH KUMAR, J.

Rmk

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