



W.P.(MD)No.28918 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.28918 of 2022

and

W.M.P.(MD)No.22900 of 2022

Chinnammal

... Petitioner

Vs.

1.The District Registrar,
O/o. The District Registrar,
Trichy, Trichy District.

2.The Sub Registrar,
O/o. The Sub Registrar,
Thiruverumbur, Trichy District.

3.The Executive Officer,
Arulmigu Renganathaswamy Temple,
Srirangam, Trichy District.

... Respondents

(R3 is impleaded vide Court order dated 20.01.2023 in W.M.P.(MD)No.98 of 2023 in W.P.(MD)No.28918 of 2022)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip issued by the 2nd respondent in his proceedings in RFL/Thiruverumbur/77/2022, dated 31.10.2022 and quash the same as illegal and consequently, to direct the 2nd respondent to register the pending document in temporary No.TP/136054283/2022, dated 29.10.2022



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presented on 31.10.2022 in relation to Survey No.97/2 to an extent of 7 cents and Survey No.99 to an extent of 45 cents situated at Agaram Group, Manjathidal Village, Thiruverumbur Taluk, Tiruchirappalli District and make necessary entries, pursuant to the judgment dated 25.02.2020 in S.A.(MD)No. 924 of 2006 in terms of Section 29(2) of the Registration Act, 1908 within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Mathava Selvam
For R1 & R2 : Mr.P.Subbaraj,
Special Government Pleader
For R3 : Mr.M.Saravanan

ORDER

Challenge has been made to the refusal check slip issued by the 2nd respondent dated 31.10.2022.

2.It is the case of the petitioner that her father purchased the property in Survey No.97/2 to an extent of 7 cents and Survey No.99 to an extent of 45 cents situated at Agaram Group, Manjathidal Village, Thiruverumbur Taluk, Trichy District from one Mohamed Magdour Rowthar through a registered sale deed dated 14.07.1960. After the death of her father, her mother and brother mortgaged the property in question with one Arulmary. After the demise of her mother, she sent a notice to the said Arulmary. Since there was no response,



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she filed a suit in O.S.No.778 of 1992 for redemption of mortgage and for possession, which was decreed in favour of the petitioner. The matter is reached upto Second Appeal in S.A.(MD)No.924 of 2006. When she presented the decree and judgment for registration, the same was refused by the 2nd respondent, vide refusal check slip dated 31.10.2022, based on the objection given by the 3rd respondent and also stating that the decree and judgment is presented beyond the period of limitation ie., 120 days. Challenging the same, the petitioner has filed this Writ Petition.

3.The learned counsel appearing for the 3rd respondent filed counter, stating that the property belonged to the temple by virtue of Title Deed No. 1797. In the 'A' Register, the name of the temple is mentioned and patta also stands in the name of the Temple. Therefore, there cannot be any registration in respect of the property in question.

4.On perusal of the impugned order, it is seen that based on the objection given by the 3rd respondent and citing the period of limitation, the 2nd respondent refused to register the decree and judgment presented by the petitioner. As far as the period of limitation to present the decree and judgment for registration is concerned, this issue is no longer *res-integra*, in view of the



judgment rendered by this Court in the case of ***Subramani vs. the Sub Registrar and others*** [WP.No.11056 of 2024, dated 26.04.2024], in which it has been held as follows:

“h. As far as the refusal of registration of Court decrees outside the time limit presentation under Section 23 is concerned, this Court in the case of Sathiyamoorthy v Sub-Registrar reported in (2023) 4 CTC 287 condemned the practice of the Sub-Registrar in citing the provisions of Section 23 of the Registration Act holding that a circular in Na.Ka. No.34930/C1/2019, dated 27.2.2023, was eventually brought out in light of this decision holding that the time limit under Section 23 would not apply to a Court decree. Therefore, the refusal on the ground of delay in respect of registering Court decree cannot be sustained in the eye of law. ”

5.As far as the objection given by the 3rd respondent is concerned, it is to be noted that the petitioner sought only registration of the decree and judgment in his favour, of course, where the Temple is not a party. Even if it is registered, that will not take away the right of the Temple, since the decree is not binding on the Temple, as they are not a party to the proceedings.

6.Be that as it may, mere registration will not convey better title to the petitioner to convey the property. At the same time, the temple also cannot keep as a mere spectator. Without taking any action to establish the title by filing a suit for recovery of possession, by giving objection before the registering authorities, they cannot establish the title.



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7. In such view of the matter, the impugned refusal order passed by the 2nd respondent is quashed and this Writ Petition is allowed with a direction to the 2nd respondent to register the decree and judgment presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

25.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

1. The District Registrar,
O/o. The District Registrar,
Trichy, Trichy District.
2. The Sub Registrar,
O/o. The Sub Registrar,
Thiruverumbur, Trichy District.



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N.SATHISH KUMAR, J

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