



W.A.(MD)No.1998 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.06.2026**

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A.(MD)No.1998 of 2025

R.Karmegam

...Appellant

Vs.

The Sub Registrar,
Nilakottai,
Dindigul District.

...Respondent

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to
set aside the order passed in W.P.(MD)No.547 of 2025 dated 09.01.2025.

For Appellant : Mr.B.Azhagesh
For Respondent : Mr.M.S.Parthiban
Government Advocate

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order passed by the learned Single Judge
dismissing the writ petition filed by the writ petitioner/appellant



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challenging the refusal check slip issued by the Sub Registrar concerned, this writ appeal is filed by the writ petitioner/appellant herein.

2.The case of the appellant is that he presented a decree of the civil Court in O.S.No.217 of 2000 stated to be a compromise decree obtained in the year 2001, for registration. The Sub Registrar refused to register the said decree on the ground that the writ petitioner, based on the aforesaid civil Court decree, has not derived any title over the subject property and the encumbrance certificate in respect of the subject property reveals that it stands in the name of other persons. Aggrieved by the same, the writ petition came to be filed.

3.The learned Single Judge, upon a consideration of the materials placed on record, found no infirmity or illegality in the reasons assigned by the Sub Registrar for refusing registration. The learned Single Judge further observed that the decree obtained in the year 2001 is sought to be executed after a lapse of 23 years and dismissed the writ petition. Aggrieved by the said order of dismissal, the writ petitioner has preferred the present writ appeal.



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4.Heard the learned counsel appearing on either side and perused the entire materials placed on record.

5.No doubt, Section 23 of the Registration Act mandates that every document should be presented within a period of four months from the day on which the decree or order was made. However, in many cases, this Court has held that the limitation set out under Section 23 of the Registration Act will not apply to the Court decrees. Though the period of limitation cannot be put against the appellant, the fact remains that the compromise decree has been passed only in respect of some Government poromboke properties.

6.It is to be noted that the decree was passed in the year 2001. The encumbrance clearly reveals that even after the civil Court decree, there were documents registered in the name of third parties in Document No.2622/2024 and 2716 of 2024. When the name of the third party is already reflected in the encumbrance with regard to the same properties, the present decree is presented for registration after a lapse of 23 years. Hence, we are of the considered view that such registration will create further issues.



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7.It is stated by the learned counsel for the appellant that the decree is presented for registration only to show that he is entitled to pathway. However, we are unable to accept the said contention. Perusal of the compromise decree shows that neither party shall interfere with the possession and enjoyment of the property by the other. The decree also contains a permanent injunction restraining such interference. In the event of any violation of the terms of the compromise decree, it is always open to the aggrieved party to seek enforcement of the decree by initiating appropriate execution proceedings in accordance with law. Since the decree is for permanent injunction, it can be executed at any time, whenever there is a breach of its terms and the question of limitation for its execution does not arise.

8.With the above clarification, this writ appeal is disposed of.

There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
05.06.2026

Index :Yes/No
Internet :Yes
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To

The Sub Registrar,
Nilakottai,
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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