

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.4545 of 2015

&

M.P.No.1 of 2015

Haresh Kishor

...Petitioner

Vs.

1. The Inspector General of Registration
Office of the Inspector General of Registration
Santhome High Road, Chennai 600 028.

2. The Sub Registrar
Santhome High Road
Mylapore, Chennai 600 004.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records and quashing the impugned order dated 21.1.2015 passed by the second respondent and consequently direct the second respondent to register the decree passed by the Lok Adalat in C.S.No.274 of 2013 dated 06.12.2014.

For Petitioner : Dr.P.Vasudevan

For Respondents : Mr.P.Rajalakshmi
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petitions are taken up for final disposal.

2.Heard Dr.P.Vasudevan, learned Counsel appearing for the petitioner and Mr.P.Rajalakshmi, learned Government Advocate appearing for respondents.

3.The petitioner has challenged the Check Slip issued by the second respondent Sub-Registrar, Mylapore, by which the second respondent refused to entertain the document which was presented by the petitioner for registration, on the ground that it is not in a proper format, details of the property have not been given and there were no boundary, extent, etc.

4.The petitioner filed a Suit before the Original Side of this Court in C.S.No. 274 of 2013 against one K.Nithya for a decree of specific performance of a contract of sale. The Suit was referred to the Lok Adalat and with the consent and compromise between the petitioner as well as said K.Nithya, a compromise was recorded in the Mega Lok Adalat held on 06.12.2014. By virtue of the said compromise, which was in fact arrived between the parties, by letter dated 11.09.2014, stating that the parties have entered into settlement and hence, the plaintiff is withdrawing the case. The terms of compromise in the said letter was recorded by the Lok Adalat. Further, the parties filed a joint memo of compromise, which was signed by both the parties and the Award was passed stating that it shall form part of the decree and in terms of the compromise between the parties, the Suit was disposed of as settled and a direction was issued to refund the full court fee paid by the plaintiff.

5.The petitioner would contend that the Suit was withdrawn subject to the understanding that the advance paid under the agreement was returned and there was a further condition that if the defendant or her daughter proposed to sell the suit property in future, the plaintiff may be given first preference for purchasing the same on fresh terms and conditions, if agreeable by both of them.

6.The petitioner attempted to get the terms of settlement as recorded by the Lok Adalat to be registered by the Sub Registrar. The Sub Registrar returned the same on the ground that the description of the property does not find place in the Award passed by the Lok Adalat.

7.The stand taken by the second respondent is fully justified, since the petitioner should have obtained a certified copy of the decree to be passed by this Court, since the Suit was withdrawn by the petitioner/plaintiff. Without obtaining a decree, the petitioner

cannot approach the respondents.

8. Accordingly, there will be a direction to the petitioner to apply for a decree before the Registrar of Original Side of this Court, requesting for furnishing a decree in C.S.No.274 of 2013, as per the terms of compromise which was recorded by the Lok Adalat and as and when the copy of the decree is obtained, it is open to the petitioner to approach the second respondent for registering the same.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Inspector General of Registration
Office of the Inspector General of Registration
Santhome High Road, Chennai 600 028.
2. The Sub Registrar
Santhome High Road
Mylapore, Chennai 600 004.

1 CC to Dr.P.Vasudevan, Advocate SR.No. 9731

W.P. No.4545 of 2014
and M.P.No.1 of 2015

VGI (CO)
PSI (03.03.2015)

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