



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26884 of 2021

Gurunathan

...Petitioner

vs.

The Sub-Registrar,
Perundurai,
Erode District.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to registrar the Decree along with the settlement memo passed in O.S.No.75 of 2020 dated 17.10.2020 on the file of the learned District Munsif of Perundurai in view of the petitioner's representation dated 22.07.2021.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondent to registrar the decree along with the settlement memo passed in O.S.No.75 of 2020 dated 17.10.2020 on the file of the learned District Munsif of Perundurai in view of the petitioner's representation dated 22.07.2021.

2. The case of the petitioner is that the petitioner filed suit for partition in O.S.No.75 of 2020 on the file of the learned District Munsif of Perundurai in respect of the subject property. Thereafter, it was referred before the Lok Adalat and the dispute between the parties was settled and respective shares were allotted in terms of the settlement memo dated 17.10.2020 and the same was recorded and final decree was passed on 17.10.2020 in O.S.No.75 of 2020 on the file of the learned District Munsif of Perundurai. In pursuant to the said Lok Adalat award dated 17.10.2020, the petitioner presented the same for registration before the respondent. However, the respondent



refused to register the same.

3. The learned Special Government Pleader appearing for the respondent submitted that the document presented for registration, is not a judgement and decree and it is only a Lok Adalat award and it cannot be construed as a final decree and as such, it requires necessary stamp duty and registration charges for registration. In this regard, he is also relied upon the order of this Court in R.Krishnamurthy -vs- Sub Registrar, Joint I, Cuddalore (W.P.No.18823 of 2017 dated 01.12.2020). This Court observed that the Registrar can register the Lok Adalat award on payment of necessary stamp duty and registration charges.

4. In view of the above, the petitioner is directed to represent the Lok Adalat award passed in O.S.No.75 of 2020 on the file of the learned District Munsif of Perundurai, dated 17.10.2020 before the respondent for registration and the respondent is directed to register the same on payment of the requisite stamp duty and registration charges.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dm

To

The Sub-Registrar,
Perundurai,
Erode District.

+1cc to M/s.M.Guruprasad, Advocate, S.R.No.68061

+1cc to the Government Pleader, S.R.No.68304

W.P.No.26884 of 2021

BP(CO)
RGA(05/01/2022)