



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.21899 of 2021

WEB COPY

Arul Viswanathan

... Petitioner

vs.

1.The Inspector General of Registration,
Nungambakkam, Chennai.

2.The Sub Registrar,
Office of the Sub Registrar,
Tuticorin East,
Tuticorin.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of Refusal Check Slip dated 19.11.2021 passed by the second respondent in his proceeding in Refusal No:RFL/Keelur/173/2021 and quash the same as illegal and consequently direct the second respondent to register the Award, dated 28.07.2021 passed by Lok Adalat in O.S.No.106 of 2020 on the file of the Principal District Munsif Court, Tuticorin on payment of registration charge of 1% i.e., Rs.23,783/- alone without insisting for payment of any stamp duty.

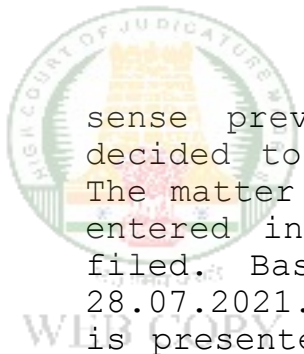
For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

Mr.D.Ghandiraj, learned Special Government Pleader, takes notice for the respondents.

2.The writ petition has been filed in the nature of Writ of Certiorarified Mandamus, seeking interference with respect to a Refusal Check Slip, dated 19.11.2021 passed by the second respondent/Sub Registrar, Tuticorin East, Tuticorin District, in proceedings in Refusal No:RFL/Keelur/173/2021 and to quash the same. The petitioner also seeks a consequential relief to register the Lok Adalat Award, dated 28.07.2021 passed in O.S.No.106 of 2020 on the file of the Principal District Munsif Court, Tuticorin. The said suit had been filed by the petitioner herein as against his paternal uncles. The suit was for partition and separate possession. Much



sense prevailed upon the parties and with much prudence, they decided to refer the dispute before the Lok Adalat at Tuticorin. The matter was also referred to the Lok Adalat and a compromise was entered into between the parties and a compromise memo was also filed. Based on the compromise memo, an award was passed on 28.07.2021. This is in effect a decree of a Court. When a decree is presented for registration, it has been held by Courts that the period of limitation should not be put against the person who presented the Court decree for presentation.

3.Let me not enter into a detailed discussion on that particular aspect. I am confident that the Sub Registrar would be aware of the position of law in this regard. The Hon'ble Division Bench of this Court in the case of **S.Sarvothaman Vs. Sub Registrar, Oulgaret, Pondicherry** reported in **2019 (3) MLJ 517**, very clearly stated that Section 23 of the Registration Act, would not apply to the compromise decrees and would apply when a third party to a decree presents a decree for registration. Here in this case, the party to the decree had actually presented the Lok Adalat award for registration.

4.Therefore, a direction is issued to the second respondent to register the Lok Adalat decree, if it is presented in accordance with the rules and regulations on or before 31.12.2021. The necessary stamp duty and registration charges on the document can be collected by the third respondent, but additional charges or penalty or cannot be levied since the presentation of the document is on the basis of an award already granted by a competent court, namely, the Lok Adalat.

5.With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The Principal District Munsif, Tuticorin.

2. The Inspector General of Registration,
Nungambakkam, Chennai.

3. The Sub Registrar,
Office of the Sub Registrar,
Tuticorin East, Tuticorin.

+1 CC to M/s.SPL GP (SR-38299[F] dated 13/12/2021)

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-38478[F] dated
13/12/2021)

W.P. (MD) No.21899 of 2021
09.12.2021

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