



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3163 of 2022

P.Arul Dass

.. Petitioner

Vs

1.The District Registrar,
Tuticorin Registration Department,
Combined Registrar Office,
Thoothukudi District.

2.The Sub Registrar,
Joint No.1 Sub Registrar,
Thoothukudi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to register the decree of award passed in Lok Adalat Case No.47 of 2016 in O.S.No.104 of 2014 on the file of the learned Sub Court, Thoothukudi, dated 16.03.2016, by considering the petitioner's representation, dated 16.04.2021.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to register the decree of award passed in Lok Adalat Case No.47 of 2016 in O.S.No.104 of 2014 on the file of the learned Sub Judge, Tuticorin, dated 16.03.2016, by considering the petitioner's representation dated 16.04.2021, within a time frame to be fixed by this Court.

2.Under the aforementioned Lok Adalat Award, the petitioner has been allotted the property comprised in S.F.No.559 measuring an extent of 4 cents at Ayyan Melavittan Village, Thoothukudi Taluk, Thoothukudi District and another property in S.F.No.468, Punja Land measuring an extent of 2 acres 44 cents Sankaraperi Village, Melur Sub Registrar, Thoothukudi Taluk and District. The petitioner has presented the Lok Adalat Award dated 16.03.2016, for registration belatedly beyond the period of four months and therefore, the same has not been accepted by the second respondent for registration. In such circumstances, he has given a representation on 16.04.2021,



requesting the respondents to register the Lok Adalat Award dated 16.03.2016. Since the said representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.R.Jegadeeswaran, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. According to the petitioner, the second respondent ought to have registered the Lok Adalat Award dated 16.03.2016. According to him, an award or a decree is a permanent record of Court and hence no limitation can be prescribed. Therefore, according to him, Section 23 of the Registration Act does not get attracted, which prescribes four months period for presentation of any document for registration. In respect of his contention, he relied upon a Division Bench Judgment of this Court in the case of **A.K.Gnanasankar v. The Joint II Sub Registrar, Cuddalore-2**, passed in **W.A.No.2395 of 2003, dated 23.03.2007** and in particular, he referred to para 4 therein. In the said Judgment it has been made clear that decree is a permanent record of Court to register and hence no limitation can be prescribed.

5. Since the representation of the petitioner dated 16.04.2021, requesting for registration of the Lok Adalat Award dated 16.03.2016, was not considered by the respondents, this Court is of the considered view that the respondents will have to consider the representation on merits and in accordance with law, in the light of the Division Bench Judgment of this Court referred to supra, within a time frame to be fixed by this court.

6. Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 16.03.2016 requesting the second respondent to register the Lok Adalat Award No.47 of 2016 in O.S.No.104 of 2014 on the file of the Sub Court, Tuticorin and pass orders on merits and in accordance with law, in the light of the Division Bench Judgment referred to supra, within a period of eight weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

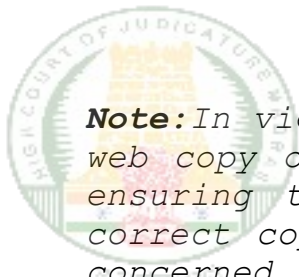
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

1.The District Registrar,
Tuticorin Registration Department,
Combined Registrar Office,
Thoothukudi District.

2.The Sub Registrar,
Joint No.1 Sub Registrar,
Thoothukudi District.

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-7002[F] dated
18/02/2022)

+1 CC to M/s.SPL GP (SR-7445[F] dated 21/02/2022)

W.P. (MD)No.3163 of 2022

18.02.2022

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