



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.6962 of 2022

M.Murugan

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
District Registration Office,
Madurai.

3.The Sub Registrar,
Sub Registrar Office,
Tallakulam,
Madurai.

4.The Sub Registrar,
O/o. The Sub Registrar,
Registration Department,
Adayar, Chennai.

... Respondents

*(R4 is suo motu impleaded vide order dated
17.06.2022 in W.P. (MD) No.6962 of 2022 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to register the decree in O.S.No.357 of 2021 dated 05.01.2022 on the file of the 4th Additional District Judge, Madurai either through online or through manual mode with the 3rd respondent in light of Section 29(2) of the Registration Act, 1908.

*(Prayer is amended vide order dated
14.06.2022 in W.M.P. (MD) No.8551 of 2022 in
W.P. (MD) No.6962 of 2022 by GRSJ)*

For Petitioner : Mr.Ajmal Khan, Senior Counsel,
For Mr.T.Antony Arulraj.

For Respondents : Mr.Veerakathiran,
Additional Advocate General,
Assisted by Mr.K.S.Selvaganesan,
Addl. Government Pleader.



ORDER

Heard the learned senior counsel for the writ petitioner and the learned Additional Advocate General for the respondents.

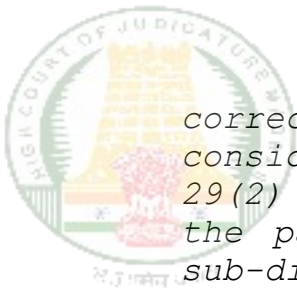
2.The petitioner herein filed O.S.No.357 of 2021 on the file of the IV Additional District Court, Madurai for recovering a certain sum of money on the strength of the sale agreement entered with the defendants. During the pendency of the suit, the matter was referred for mediation and the issues were amicably resolved. The subject matter of sale agreement pertains to an immovable property located in Adayar, Chennai. The defendants agreed to sell the property to the plaintiff subject to certain conditions. Based on the compromise arrived at between the parties, the suit was decreed on 05.01.2022. The compromise decree was presented for registration before the third respondent. The third respondent took the stand that since the property involved in the case is located in Chennai, the document has to be presented only before that office of Sub Registrar within whose limits the property located. Aggrieved by the refusal of the third respondent to register the compromise decree, the present writ petition came to be filed.

3.The learned senior counsel for the writ petitioner placing reliance on Section 29(2) of the Registration Act contended that Mandamus has to be issued as prayed for.

4.Per contra, the learned Additional Advocate General vehemently opposed the writ prayer. According to him, as per Section 76 of the Registration Act, the decree has to be presented only before the Sub Registrar, Registration Department, Adayar, Chennai. He would urge this Court to bear in mind that the rights of third parties are involved and that registration behind their back would definitely defeat the ends of justice. He placed reliance on Section 28 of the Registration Act.

5.Though interesting issues had been thrown up for consideration, the learned senior counsel for the petitioner draws my attention to the decision of the Hon'ble Division Bench reported in **(1952) 2 MLJ 464 (R.M.S.Deivanai Achi vs. P.L.L.N.Kannappa Chettiar)**. The issue raised in the writ petition was settled long back. Paragraph 7 of the decision of the Hon'ble Division Bench is as follows:-

"7.Our attention has been drawn to R. 292 (b) of the Registration Manual, Part II, page 91. According to this rule as interpreted in practice by the Registration department, a person registering such a decree as that before us has the option of registration either under S. 28 or under S. 29(2). On a careful consideration of these two sections, we are of opinion that this is the



correct legal position. Such a decree as that we are considering is clearly compulsorily registrable but S. 29(2) allows registration to be done at the option of the party in the office of the Sub-Registrar in whose sub-district the original decree or order was made."

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6.The petitioner is permitted to present in person instead of presenting through online mode because presenting a decree for registration in online is not technically feasible. The learned senior counsel draws my attention to the decision of the Hon'ble Division Bench dated 04.12.2017 made in W.P.(MD)No.15739 of 2017. Paragraph 16 of the said order reads as follows:-

"16.The introduction and application of technology is absolutely imperative. The registration department must embrace e-governance totally. Initial glitches will be there. The respondents have to respond with speed and alacrity as and when the issues are brought to their notice for remedial action. We therefore dispose of this writ petition in the following terms:

i.The respondents are directed to correct the discrepancies in the website entries at the earliest and without delay as and when pointed out.

ii.The registering authorities cannot decline to register documents offline since online registration is only at the pilot run stage.

iii.The registering authorities cannot refuse to receive the documents for registration by insisting that the registrants must pay stamp duty only as per the guideline valuation shown in the website register.

iv.The statutory function of index creation must be performed only by the Sub Registrar and this task cannot be passed on to the document writers or the registrants themselves."

7.Therefore, the third respondent is directed to register the compromise decree made in O.S.No.357 of 2021 dated 05.01.2022 immediately on presentation thereof by the petitioner. The learned senior counsel states that after the registration, the petitioner has no objection for the third respondent to transmit the registered compromise decree to the file of the fourth respondent. The third respondent is directed to transmit the petition mentioned decree after its registration to the file of the fourth respondent and the fourth respondent also will reflect same in their relevant records.



8.The writ petition is allowed on these terms. No costs.

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// True Copy //

Sd/-

Assistant Registrar (Records)

23/06/2022

Sub Assistant Registrar(CS)

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To:

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
District Registration Office,
Madurai.

3.The Sub Registrar,
Sub Registrar Office,
Tallakulam, Madurai.

4.The Sub Registrar,
O/o. The Sub Registrar,
Registration Department,
Adayar, Chennai.

+3 CC to M/s.T. ANTONY ARUL RAJ, Advocate (SR-27267 & 27771[F]

+1 CC to M/s.SPL.GP (SR-27727[F] dated 23/06/2022)

W.P(MD)No.6962 of 2022
21.06.2022

MA (CO)
GC (23.06.2022) 4P 9C