



WEB COPY

W.P.No.3983 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3983 of 2024

Alamelu

... Petitioner

Vs.

1. The Inspector General of Registration
Registration Department
No.100, Santhome High Road
Santhome,
Chennai – 600 004

2. The Sub Registrar
Office of the Sub Registrar
Omalur, Salem

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in respect of the record pertaining to Refusal Cheque Slip vide Refusal No.RFL/Omalur/336/2023 dated 20.12.2023 issued by the 2nd respondent and quash the same and further direct the 2nd respondent to register the Lok Adalat Award No.21/2023 passed on 11.02.2023, issued by the Taluk Legal Service Committee, Omalur in connection with O.S.No.218 of 2022 on the file of the learned Subordinate Judge of Omalur pertaining to the immovable property measuring an extent of 1237 ½ Sq.ft. in Survey No.44/1B as per Patta No.61, Senaigoundanur Kattuvalavu, Mungilpadi Village, Amani Omalur Taluk, Salem.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

**ORDER**

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in respect of the record pertaining to Refusal Cheque Slip vide Refusal No.RFL/Omalur/336/2023 dated 20.12.2023, issued by the 2nd respondent and quash the same and further direct the 2nd respondent to register the Lok Adalat Award No.21/2023 passed on 11.02.2023, issued by the Taluk Legal Service Committee, Omalur in connection with O.S.No.218 of 2022 on the file of the learned Subordinate Judge of Omalur pertaining to the immovable property measuring an extent of 1237 ½ Sq.ft. in Survey No.44/1B as per Patta No.61, Senaigoundanur Kattuvalavu, Mungilpadi Village, Amani Omalur Taluk, Salem.

2. The case of the petitioner is that the petitioner purchased the subject property from one Kanndasamy vide sale Deed dated 23.06.1991 for a valid consideration and thereafter, the petitioner has been in possession and enjoyment of the property. In course of time, the value of the property has considerably increased. Hence, the vendor Kandasamy attempted to sell the property with the strength of registered sale deed and Patta standing in his favour. Therefore, the petitioner filed a suit in O.S.No.218 of 2022 before the



Subordinate Judge, Omalur, for declaration of title over the property and for permanent injunction restraining the vendor from alienating or encumbering any portion of the property and restraining the vendor from disturbing the peaceful possession and enjoyment of the property by any other manner. Thereafter, the matter was referred to Lok Adalat held on 11.02.2023 wherein, the matter was amicably settled mutually by paying a sum of Rs.1,00,000/- to the vendor. Thereafter, when the petitioner intended to register the Lok Adalat Compromise Memo, the 2nd respondent refused to register the same and issued the Refusal Check Slip citing Paragraph 2 of the circular issued by the Inspector General of Registration vide Na.Ka.No.34930/C1/2019 dated 27.02.2023 wherein, it has been stated that no registration shall be entertained for the Court order which has not attained the stage of finality and the petitioner was directed to obtain final order from the Court for this Award and re-submit the application for registration. Hence, the present Writ Petition is filed.

3. The contention of the petitioner is that there is no provision in the Registration Act to deny the registration of the Lok Adalat Award passed by the competent authorities under the Legal Services Authorities Act, 1987. Hence, the impugned refusal check slip is liable to be quashed.



4. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents.

5. Heard and perused the materials available on record including the Lok Adalat Award.

6. In the Award passed by the Lok Adalat, there is no mentioning about the terms of settlement. In Clause 4 of the Award, it clearly mentioned that "for necessary follow up action both the parties are entitled to file applications before the court where the case is pending on the date of settlement and get suitable orders". Therefore, it is neither an Award nor a decree. Therefore, the petitioner is not entitled to the relief sought for in this Writ Petition.

7. Accordingly, this Writ Petition is dismissed. No costs.

8. The petitioner is at liberty to work out his remedy in the manner known to law.

20.02.2024

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Index : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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