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W.P.No.21304 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P.No.21304 of 2024

M/s.Emergency Kits India Private Limited,
Rep. by its Authorized Signatory A.Sivasankar,
Having office at No.11, F-Block,
2nd Main Road, Anna Nagar East,
Chennai - 600 102.

... Petitioner

Vs.

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

2. The Sub - Registrar,
Walajabad Sub -Register Office,
Walajabad.

(The name of the second respondent is amended as per the order of
this Court dated 23.08.2024 in W.M.P.No.25294 of 2024
in W.P.No.21304 of 2024 by SSJ)

3. G.S.Samarasam

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, to direct the second respondent to register the interim order dated 15.04.2024 passed in I.A.No.1 of 2024 in



W.P.No.21304 of 2024

Arbitration Case No.1 of 2023 by the learned Arbitrator Mr.G.Dharmaraj, M.A., B.L., District Judge (Retired) within stipulated time by considering the petitioner's representation dated 09.06.2024.

For Petitioner : Mr.V.Ayyappa Raja

For Respondents : Mr.P.Harish
Government Advocate

ORDER

The petitioner in this Writ Petition seeks a direction to the second respondent to register the interim order dated 15.04.2024 passed in I.A.N.1 of 2024 in Arbitration Case No.1 of 2023 on the file of the sole Arbitrator Mr.G.Dharmaraj, District Judge (Retired) within a stipulated time to be fixed by this Court.

2. According to the petitioner, he entered into a sale agreement with the third respondent for purchase of a property belonging to the third respondent. Later, the sale transaction could not be proceeded with. Therefore, the petitioner wanted to get return of advance amount as the third respondent failed to refund the advance amount received under the sale agreement. As per Clause in the agreement, the matter was referred to the sole Arbitrator. Pending arbitration proceedings, the petitioner filed an application under Section



W.P.No.21304 of 2024

17(1)(a) of Arbitration and Conciliation Act, 1996, to attach the property, which is the subject matter of the sale agreement. The said application was allowed attaching the subject matter of the sale agreement. The petitioner has presented the order dated 15.04.2024 passed by the learned Arbitrator before the second respondent for registration and the same has been kept pending by the second respondent without assigning any reasons. Therefore, the petitioner has come before this Court.

3. When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents, on instructions, would submit that as per the recent circular issued by the Inspector General of Registration, there is no impediment for the second respondent to register the order presented for registration.

4. The said statement made by the learned Government Advocate is recorded. Accordingly, the second respondent is directed to consider the document presented by the petitioner for registration and register the same, if it is otherwise in order within a period of two (2) weeks from the date of receipt of a copy of this order.



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W.P.No.21304 of 2024

S. SOUNTHAR, J.

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With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

23.08.2024

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To

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 004.
2. The Sub - Registrar,
Walajabad Sub -Register Office,
Walajabad.

W.P.No.21304 of 2024