



W.P.No.34823 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34823 of 2023

and

W.M.P.No.34828 and 34829 of 2023

Truliv Properties and Services Pvt., Ltd.,
A Company incorporated under the Provisions of
the Companies Act, 1956,
Represented by its Authorised Signatory,
Mr.T.Rohit Reddy,
Cofounder and CEO,
Having Office at 1st Floor, Khivraj Complex -II,
480, Anna Salai, Nandanam,
Chennai – 600 035.

... Petitioner

versus

1.The Inspector General of Registration,
100, Santhome High Road, Mylapore,
Chennai, Tamil Nadu – 600 028.

2.The Sub-Registrar,
Kunrathur,
X4R2+5XV, Sammandam Nagar Main Road,
Kunrathur, Chennai, Tamil Nadu – 600 069.

3.C.Ravishankar

.....Respondents

Pg.Nos.1/8



W.P.No.34823 of 2023

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Refusal Check Slip bearing refusal number RFL/Kunrathur/42/2023, dated 29.08.2023 issued by the second respondent to the petitioner and quash the same and consequently direct the second respondent to admit the interim order dated 25.07.2023 issued by the Arbitral Tribunal with regard to Lease Property and register the same in accordance with Registration Act, 1908.

For Petitioner : Mr.G.Vivekanand
for M/s.Indus Law
For Respondents : Mrs.V.Yamunadevi
Special Government Pleader for R1 and R2
R3 – Not ready in notice

ORDER

This writ petition has been filed to quash the impugned Refusal Check Slip bearing refusal number RFL/Kunrathur/42/2023, dated 29.08.2023 issued by the second respondent and consequently, direct the second respondent to admit the interim order dated 25.07.2023 issued by the Arbitral Tribunal with regard to lease property and register the same in accordance with the provisions of 'the Registration Act, 1908' [hereinafter 'said Act'].



W.P.No.34823 of 2023

2. The learned counsel for the petitioner submitted that the Sole Arbitrator passed an interim order dated 25.07.2023 in favour of the petitioner under Section 17 of 'the Arbitration and Conciliation Act, 1996' [hereinafter 'A and C Act'], vide Arbitration Applications Nos.1 and 2 of 2023. Thereafter, the petitioner has presented the same for registration, but the second respondent refused to register the same on the ground that the same is impermissible, in view of the order of this Court dated 22.02.2012 passed in W.P.No.18489 of 2011 and Letter No.56254/C1/2011 dated 12.05.2012 issued by the first respondent herein. The learned counsel further submitted that the aforementioned order of this Court and the letter of the first respondent dated 12.05.2012 have nothing to do with the present case on hand, as the aforementioned order dated 22.02.2012 in W.P.No.18489 of 2011 relates to suit for specific performance. The second respondent has failed to appreciate that every non-testamentary instrument is required to be registered compulsorily under the provisions of Section 17 (1) (e) of the said Act. Thus, an Arbitral Award is a non-testamentary instrument. The second respondent also failed to consider the provisions of Section 17 (1) (e) of the said Act and simply passed the impugned refusal



W.P.No.34823 of 2023

check slip, citing the order dated 22.02.2012 in W.P.No.18489 of 2011 and the Letter No.56254/C1/2011 dated 12.05.2012.

3. The learned Special Government Pleader appearing for the respondents submitted that in W.P.No. 18489 of 2011 dated 22.02.2012, this Court has given a direction to the effect that the order passed by the trial Court cannot be registered unless a decree is passed. The learned Special Government Pleader further submitted that the disputed documents are not liable to be registered and there is no merit in the writ petition and the same is liable to be dismissed.

4. Heard both sides and perused the materials available on records.

5. Admittedly, the petitioner has filed the Arbitration Applications Nos.1 and 2 of 2023, in which, he obtained an interim order in its favour and after obtaining the interim order, the petitioner approached the second respondent for registration, however, the second respondent refused to register the same by citing the aforementioned circular and order of this Court in W.P.No.18489 of 2011.



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6. It is useful to refer Section 17(1)(e) of the Arbitration and Conciliation Act, 1996, which is extracted hereunder.

(e) such other interim measure of protection as may appear to the arbitral tribunal to be just and convenient, and the arbitral tribunal shall have the same power for making orders, as the Court has for the purpose of, and in relation to, any proceedings before it.

Therefore, circular cited by the second respondent in the impugned refusal check slip will not prevail over the provisions of the Act. It is only an internal communication, which will not bind others, especially, when there is a specific provision in the statute. As far as order of this Court in W.P.No.18489 of 2011 dated 22.02.2012 is concerned, the facts of the case is entirely different. In the above writ petition, the petitioner obtained decree in a suit for specific performance, where this Court has given direction to the petitioner after obtaining sale certificate from the Execution Court, the petitioner can approach the respondent to register the same. But in the present case the the petitioner obtained an order of interim protection



W.P.No.34823 of 2023

of the subject property vide the order passed by the sole Arbitrator, which has to be registered. Therefore the impugned refusal check slip quoting the order of this Court dated 22.02.2012 and the Circular, passed by the second respondent is liable to be set aside.

7. In view of the above observations and reasons, the impugned Refusal Check Slip bearing refusal number RFL/Kunrathur/42/2023, dated 29.08.2023 issued by the second respondent is set aside. The second respondent is directed to register the interim order dated 25.07.2023 in Arbitration Applications Nos.1 and 2 of 2023 presented by the petitioner, if the same is otherwise in order.

8. With the above directions, this Writ Petition is allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.01.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

Pg.Nos.6/8



W.P.No.34823 of 2023

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To

- 1.The Inspector General of Registration,
100, Santhome High Road, Mylapore,
Chennai, Tamil Nadu – 600 028.
- 2.The Sub-Registrar,
Kunrathur,
X4R2+5XV, Sammandam Nagar Main Road,
Kunrathur, Chennai,
Tamil Nadu – 600 069.



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W.P.No.34823 of 2023

P.VELMURUGAN, J.

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W.P.No.34823 of 2023

19.01.2024

Pg.Nos.8/8