



WEB COPY



W.P.No.36997 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :05.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.36997 of 2024

Mr.J.Rajashekar

... Petitioner

Vs

1. Inspector General of Registration,
100, Santhome High Rd, Mullima Nagar,
Manavelipakkam, Raja Annamalai Puram,
Chennai, Tamil Nadu – 600 028.

2. District Registrar Office,
Coimbatore.

3. The Sub-Registrar,
Kinathukadavu,
15/117, Coimbatore to Pollachi Road,
Kinathukadavu-642 109.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus to call for the proceedings in RFL/Kinathukadavu/108/2024, dated 23.11.2024, on



W.P.No.36997 of 2024

the file of 3rd respondent and quash the same as illegal, incompetent and further direct the 3rd respondent to register the award passed in Arbitration O.P.No.176 of 2021, dated 18.10.2024 within a stipulated time frame as fixed by this Court.

For Petitioner : M/s.R.Sripriya

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader

ORDER

This Writ Petition is filed for a Certiorarified Mandamus to call for the proceedings in RFL/Kinathukadavu/108/2024, dated 23.11.2024, on the file of 3rd respondent and quash the same as illegal, incompetent and further direct the 3rd respondent to register the award passed in Arbitration O.P.No.176 of 2021, dated 18.10.2024 within a stipulated time frame as fixed by this Court.

2. Aggrieved by the fact that the Sub-Registrar/ 3rd
respondent had refused to register the Arbitration Award on the ground



that the Arbitrator has to appear and present the arbitration award, the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. The very reason for the return made by the 3rd respondent is absolutely absurd. Even according to the 3rd respondent, the reason for the refusal is under Section 32 of the Registration Act. A mere reading of Section 32(b) which is extracted herein below would clearly show that a person claiming under the document is also entitled to file a register by document.

*"32. Persons to present documents for registration.
—Except in the cases mentioned in [sections 31, 88 and 89], every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,—*

(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or

(b) by the representative or assign of such a person,



W.P.No.36997 of 2024

or

(c) by the agent of such a person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned."

5. The petitioner herein is a party to the Arbitration proceedings. Therefore, the refusal is absolutely mis-guided. Accordingly, this writ petition is allowed and the impugned refusal check slip is cancelled and the respondents are directed to register the Award passed in Arbitration O.P.No.176 of 2021 dated 18.10.2024, within two weeks to its presentation. There shall be no order as to costs.

05.12.2024

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

ssn



WEB COPY



W.P.No.36997 of 2024

P.T.ASHA, J.,

ssn

To

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