



WP.No.746 of 2025

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In the High Court of Judicature at Madras

Dated : 20.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.746 of 2025
& WMP.No.913 of 2025

J.Bhuvaneshwaran

Vs

...Petitioner

1.The Inspector General of
Registration, No.100,
Santhome High Road,
Pattinapakkam, Chennai-28.

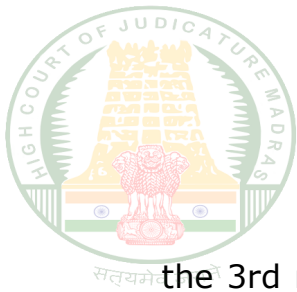
2.The District Registrar, Office
of the District Registrar,
Syrian Church Road,
Pudhiyavan Nagar,
Sukravarpettai, R.S.Puram,
Coimbatore-641001.

3.The Sub-Registrar Joint-1,
Office of the District Registrar,
Syrian Church Road,
Pudhiyavan Nagar,
Sukravarpettai, R.S.Puram,
Coimbatore-641001.

4.M.J.Anand

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Certiorarified Mandamus to call for the
records to call for the records of the 3rd respondent in Na.Ka.No.5256/
P1/2024 dated 26.9.2024, quash the same and consequently direct



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the 3rd respondent to register Arbitral Award dated 07.7.2023 passed in claim petition No.1 of 2022 passed by the learned sole arbitrator Mr.R.Lakshminarayanan.

For Petitioner : Mr.Arjun Makuny
For R1 to R3 : Mr.M.Shahjahan, SGP

ORDER

Challenging the proceedings of the third respondent dated 26.9.2024 refusing to register the arbitral award dated 07.7.2023 presented by the petitioner on the ground that the award need not be registered and that pursuant to the award, the sale certificate or the sale deed issued after enforcement of such an arbitral award could be registered, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 to 3.

3. The case of the petitioner is as follows :

(i) The petitioner's parents were running a registered partnership firm in the name and style of M/s.Eltech Ceramics involved in the manufacture and the wholesale of industrial and technical ceramics. During the year 1991, the firm purchased a plot from the



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Small Industries Development Corporation measuring 798 sq.meters in Survey No.188/1, shed No.E-71, Kuruchi Industrial Estate, Kuruchi Village, Coimbatore Taluk and District vide sale deed dated 08.12.1990 registered as doc.No.491 of 1991 on the file of the Sub-Registrar, Coimbatore and established its business.

(ii) After the death of the petitioner's father on 21.7.2008, pursuant to the reconstitution deed dated 05.8.2008, the firm was reconstituted and the petitioner was inducted as a partner of the firm along with his mother. Subsequently, pursuant to another reconstitution deed dated 14.8.2009, the petitioner's brother, who is none other than the fourth respondent, was inducted as one of the partners of the firm and the petitioner's mother, the petitioner and the fourth respondent were holding the shares respectively at 60%, 20% and 20% each.

(iii) The petitioner's mother died on 27.5.2021. Thereafter, once again, there was a reconstitution of the firm and pursuant to the reconstitution deed dated 18.8.2021, the petitioner and the fourth respondent are holding 50% shares each. Later, various disputes and differences arose between the existing partners as the fourth respondent breached the essential terms of the partnership by running a parallel business. Hence, the petitioner initiated arbitration proceedings against the fourth respondent on 22.8.2022 by filing



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Claim Petition No.1 of 2022 before the Sole Arbitrator, who passed an award dated 07.7.2023 and allowed the claim petition. When the said arbitral award was presented for registration, the third respondent refused to register the same and issued the impugned communication dated 26.9.2024. Hence the writ petition.

4. This Court has, time and again, issued instructions to the Registering Authorities to act within the confines of the powers conferred under the Indian Registration Act. In the considered view of this Court, the insistence of production of the sale certificate/sale deed after enforcement of the arbitral award does not come within the powers conferred on them.

5. Accordingly, the writ petition is allowed, the impugned order of the third respondent is set aside and the third respondent is directed to register the arbitral award presented by the petitioner within a period of two weeks from the date of its representation. If the arbitral award has already been returned, the petitioner is directed to represent the same before the third respondent forthwith. No costs. Consequently, the connected WMP is closed.

20.1.2025

RS



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P.T.ASHA,J

RS

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai-28.
- 2.The District Registrar,
Syrian Church Road,
Pudhiyavan Nagar,
Sukravarpettai, R.S.Puram,
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