



Writ Petition No.15082 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.04.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.15082 of 2025

P.S.Vasugi
W/o.G.Thiruvengadam (late) No.S-
2, B-block, Begonia Apartment,
6/336, Valayapathi Salai, Mogppair
East, Chennai-600 037.

Petitioner

Vs

1. The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram, Chennai-600 028.

2. The Sub Registrar
Kanchipuram Joint-II, Sub Registrar
Office, Kanchipuram.

Respondent(s)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the 2nd respondent to register the Arbitral Award dated 01.06.2023 pending in P/Joint-2 Kanchipuram SRO/21/2025 dated 26.02.2025 and release the registered document to the petitioner within the time stipulated by this Honourable Court.



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For Petitioner : Mr.B.Vijay
for Mr.S.Balasubramaniam
For Respondents : Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed for issue of a writ of mandamus directing the second respondent to register the Arbitral Award dated 01.06.2023 and to release the document.

2. During the pendency of this writ petition, refusal check slip dated 23.04.2025 has been issued by the second respondent by stating that the Arbitral Award cannot be treated as a decree.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

4. In the considered view of this Court, the scope of Arbitral Award has been dealt with by this Court in W.P.No.29044 of 2019 dated 05.03.2020. Relevant portions are extracted hereunder:

'5.In the considered view of this Court, where the Awards purportedly operates to create and declare the right, title or interest in an immovable property of the value of more than Rs.100/-, the same is compulsorily registerable under Section 17(2)(vi) of the Registration Act, 1908. It must be borne in mind



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that what has been excluded under the said provision is only the decree or orders of Court and not the Awards of Arbitrator. Therefore, in a given situation, an Award can also become compulsorily registerable. Therefore, the respondent should not reject or refuse registration, if such Awards are presented for registration.

6. In the present case, an interest over the property has been created by the Award and therefore, it becomes registerable. Therefore, the respondent was not right in refusing to register the Award that was submitted by the petitioner.

*7. A useful reference can be made to the judgment of the Hon'ble Supreme Court in **Ramesh Kumar and Another vs. Furu Ram and another** reported in **2011 (8) SCC 613**. The relevant portions in the judgment are extracted hereunder:*

45. As noticed above, the reference agreements dated 12.3.1992 were not in regard to any agreement of sale or any dispute relating to immovable property, or in regard to the lands in regard to which the award was made. It did not refer to the lands in question. No dispute regarding immovable property was referred to arbitration or was the subject matter of the arbitration. The alleged subject matter of arbitration was non-payment of Rs.8,00,000 said to have been borrowed by each of the appellants. The arbitrator recorded an alleged statement by the borrowers (appellants) that they had received Rs.8,00,000 from Furu Ram and Rs.8,00,000/- from Kalu Ram; that they were



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not able to refund the same and therefore they had given lands measuring 49 Kanals 10 Marlas to Furu Ram and another 49 Kanals 9 Marlas to Kalu Ram; and that Furu Ram and Kalu Ram confirmed that they had obtained possession of the said land. The awards therefore declared that Furu Ram and Kalu Ram had become the absolute owners of the lands in question.

46.Thus the awards are clearly documents which purport or operate to create and declare a right, title or interest in an immovable property of the value of more than Rs.100 which was not the subject of the dispute or reference to arbitration. Therefore the awards were compulsorily registrable. If they were not registered, they could not be acted upon under section 49 of the Registration Act, 1908 nor could a decree be passed in terms of such unregistered awards.

8.It is clear from the above judgment that unregistered Awards which are compulsorily registerable cannot be admitted in evidence and no decree can be passed in terms of the Award. That makes it clear that Award like any other document must also be registered when it is presented before the office of the Sub Registrar. This is more so in cases, where the Award creates right, title or interest over an immovable property.

9.In view of the above discussion, there shall be a direction to the respondent to entertain the Arbitration Award



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*presented by the petitioner and register the same in accordance
with law.'*

5. The case in hand is squarely covered by the above order.

Hence, there shall be a direction to the second respondent to entertain the
Arbitral Award presented by the petitioner and register the same on
payment of necessary charges.

In the result, the Writ Petition is allowed with the above
direction. There shall be no order as to costs.

28.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1. The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram, Chennai-600 028.

2. The Sub Registrar
Kanchipuram Joint-II, Sub Registrar
Office, Kanchipuram.

N.ANAND VENKATESH, J



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