



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 23006 of 2025

Arul Prasad Senniappan

Petitioner(s)

Vs

1.The Sub-Registrar
SRO 6/171 Post Office Road,
Avinashi Main Road, Avinashi,
Coimbatore 641654.

2.The Inspector General Of
Registration
100, Santhome High Road,
Pattinapakkam, Chennai 600028.

3.M/s.Viprah Technologies Ltd.,
Represented by its Managing Director
Mr.Anantha Subrmaniam
S.F.No.79, Aalampalayam Road,
Thekkalur, Avinashi Taluk,
Tiruppur District 641654.

Respondent(s)



PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st Respondent dated 10.01.2025 bearing No. N. Dis. No. 800/2024 and quash the same and direct the 1st respondent to attach the schedule mentioned property as per the Arbitral Award dated 30.01.2025.

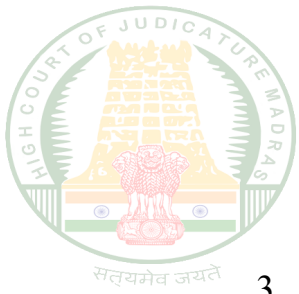
For Petitioner(s): Mr.P.J.Rishikesh

For Respondent(s): Mr.U.Baranidharan, SGP
For R1 & R2

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the 3rd Respondent is dispensed with.

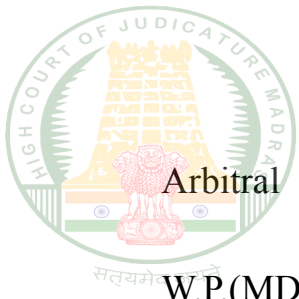
2. The present writ petition has been filed praying for a writ of certiorarified mandamus, challenging the order passed by the 1st respondent dated 10.01.2025 and to direct the 1st respondent to attach the schedule mentioned property as per the Arbitral Award dated 30.01.2025.



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3. It is submitted by the learned counsel for the petitioner that the petitioner and 3rd respondent/Company had entered into multiple agreements on 23.07.2015 including a term sheet, a business participation and subscription agreement and a convertible debenture agreement. On account of the breach committed by the 3rd respondent, certain disputes arose between the petitioner and the 3rd respondent. Therefore, petitioner filed a petition before the Arbitration Tribunal. Thereafter, the Arbitration proceedings continued and an arbitral award was passed on 30.01.2025 allowing the prayer sought for by the petitioner.

4. It is further submitted by the learned counsel for the petitioner that the petitioner has secured orders of attachment in the form of a final award from the Sole Arbitrator. However, the said attachment was not reflected in the Encumbrance Certificate on account of the refusal by the 1st respondent to register the order passed by the Arbitral Tribunal. It is contended that the impugned order refusing to register the order of attachment passed by the



Arbitral Tribunal is contrary to the order passed by this Court in

W.P.(MD).No.30152 of 2023 dated 16.04.2025. The relevant portion of the

order reads as under:

“9. The registering authority chose to refuse registration by relying on the circular dated 12.05.2012 issued by the I.G of Registration. The said circular has been issued pursuant to the order dated 22.02.2012 in WP No.18489 of 2011. The circular reads that the award issued by the arbitrator need not be taken on file and that only the sale deed/sale certificate executed by the executing court in execution proceedings should be received for registration. As rightly pointed out by the learned counsel for the petitioner, the subject matter pertains to an award passed in a claim for specific performance. The case on hand pertains to an award passed on the basis of the mediated settlements entered into between the parties. The circular dated 12.05.2012 has no application whatsoever to the case on hand. That apart, when Section 18(f) of the Registration Act gives right to the petitioner to



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present a document for registration at her option, such a right cannot be deprived by the registering authority by citing a circular. As per the doctrine of hierarchy of laws, a circular cannot prevail over a statute.

10.The stand of the official respondents is that the petitioner can avail the appeal remedy. There is no merit in this objection. As rightly contended by the learned counsel for the petitioner, no purpose would be served by relegating the petitioner to avail the alternative remedy because the registering authority acted at the behest of the appellate authority.”

5. The learned counsel for the petitioner would also place reliance on the order passed by this Court in W.P.No.34823 of 2023 dated 19.01.2024, which reads as follows:

“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,



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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.

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



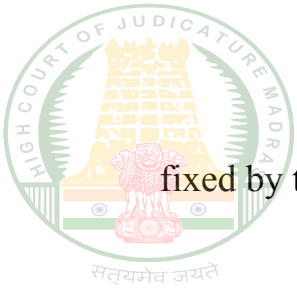
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respondent to register the same. But in the present case the the petitioner obtained an order of interim protection of the subject property vide the order passed by the sole Arbitrator, which has to be registered. Therefore the impugned refusal check 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.”

6. Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 would submit that the petitioner may represent the relevant documents/order of attachment and the same would be considered and orders would be passed in accordance with law within the time frame to be



fixed by this Court, which was agreed to by the learned counsel for petitioner.

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7. In view thereof, the impugned order dated 10.01.2025, passed by the 1st respondent is set aside and petitioner is directed to represent the all the relevant documents/ attachment order for registration before the appropriate authority/ respondent. The concerned respondent shall consider and register the document if it is otherwise in order. If for any reason the registering authority finds that the registration ought to be refused, the same shall be done after assigning reasons and after putting the petitioner, 3rd respondent and other interested parties on notice.

8. In result, this Writ Petition is disposed of in the above terms. No costs.

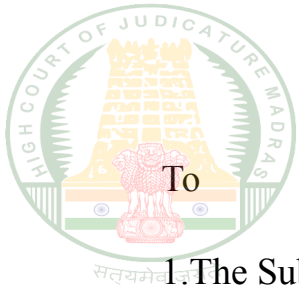
17-07-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Sub Registrar

WEB SRO 6/171 Post Office Road, Avinashi
Main Road, Avinashi, Coimbatore
641654

2.The Inspector General Of
Registration

100, Santhome High Road,
Pattinapakkam, Chennai 600028



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