

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.1134 of 2015
and
M.P.Nos.1 and 2 of 2014

Kamalathal ... Petitioner

vs.

- 1.The Joint II Sub Registrar,
Joint II Sub Registrar Office,
Tiruppur.
 - 2.The District Registrar,
Tiruppur.
 - 3.The Inspector General of Registration,
Santhome High Road,
Chennai-4.
 - 4.Arulmighu Visveswara Swamy
Veeraraghava Perumal Thirukoil,
Perumal Koil Veedhi,
Tiruppur, rep. by its Trustee.
 - 5.The Hindu Religious and Charitable
Endowments,
rep. by its Commissioner,
Nungambakkam, Chennai.
- ... Respondents
(Respondents 4 and 5 impleaded as
per the order dt. 28.1.2015 in
M.P.No.3 of 2015)

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue Writ of Certiorarified Mandamus calling for the entire records of the 1st respondent dt. 8.12.2014 in RC Na.K.No.500/2014 and quash the same and consequently to direct the respondents to register and return the document being the sale deed dt. 12.12.2014 to the petitioner.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for R1 to R3
Mr.S.Kandaswamy
Spl. Govt. Pleader (HR&CE)
for R4 & R5

ORDER

Heard Mr.N.A.Nisar Ahmed, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.S.Kandaswamy, learned Special Government Pleader (HR & CE) appearing for the respondents 4 and 5.

2. The petitioner challenges the communication issued by the 1st respondent, whereby the 1st respondent has refused to accept the petitioner's sale deed for registration on the ground that the property has been shown to be the property belonging to the 4th respondent temple.

3. The learned counsel appearing for the 4th respondent has submitted that 1st respondent cannot be refused to entertain the document and he had no right to go into the question of title. In this regard reliance has been placed in an un-reported decision of this Court, in the case of D.Jayapal v. The Sub Registrar, Triplicane, Chennai and another in W.P.No.3401 of 2012, dated 21.02.2012.

4. It is seen that in the said decision the document was accepted for registration and document was not registered or returned and kept as pending document and the petitioner therein was directed to produce no objection certificate from the temple. Therefore, this Court has issued direction to the 1st respondent therein to register and return the document to the petitioner therein without insisting upon any no objection certificate from any authority. However, in the instant case, the 1st respondent has refused to accept the document for registration, which is not the correct procedure to be adopted by the 1st respondent under the provisions of Registration Act.

5. Accordingly, there will be a direction to the petitioner to submit the document for registration and 1st respondent shall accept the same for registration and pass a reasoned order in accordance with law, if there are valid reasons for registration of the document, within period of two weeks from the date on which the document is presented by the petitioner for registration.

6. The writ petition is disposed of, as stated above. No costs. Consequently, M.P.Nos.1 and 2 of 2015 is closed.

Sd/-
Depu Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Joint II Sub Registrar,
Joint II Sub Registrar Office,
Tiruppur.
- 2.The District Registrar,
Tiruppur.
- 3.The Inspector General of Registration,
Santhome High Road,
Chennai-4.
- 4.Arulmighu Visveswara Swamy
Veeraraghava Perumal Thirukoil,
Perumal Koil Veedhi,
Tiruppur, rep. by its Trustee.
- 5.The Hindu Religious and Charitable
Endowments,
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Nungambakkam, Chennai.

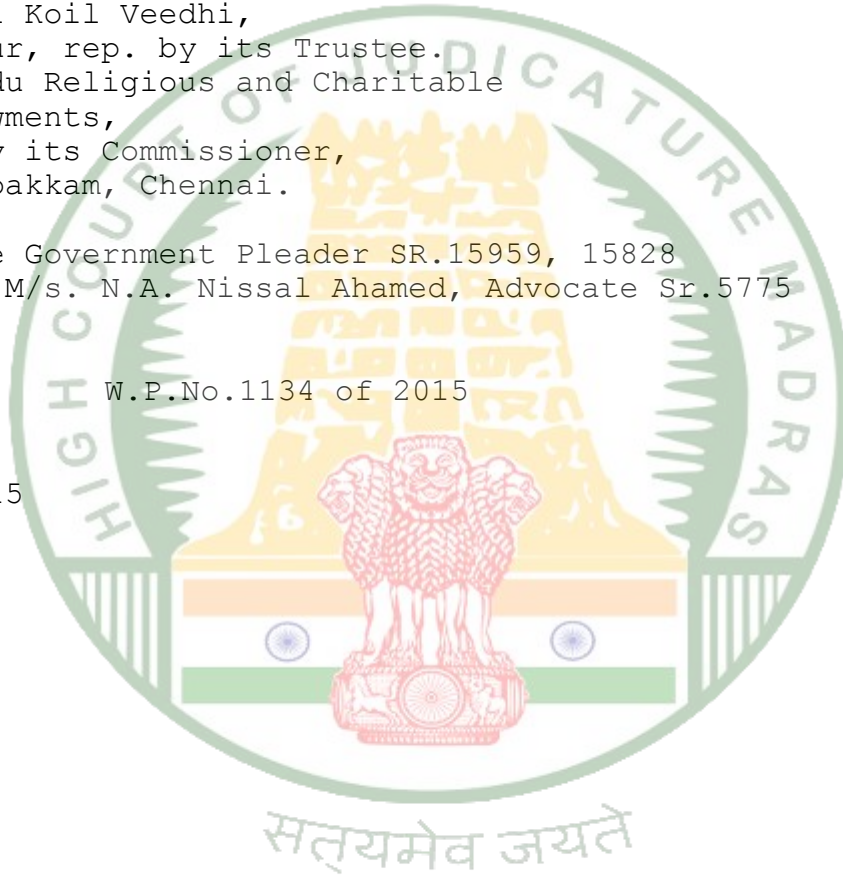
+ 1 cc the Government Pleader SR.15959, 15828

+ 1 cc to M/s. N.A. Nissal Ahamed, Advocate Sr.5775

W.P.No.1134 of 2015

PPA(CO)

Eu 21.02.15



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