

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.32629 of 2014

P.Balasubramaniam

.. Petitioner

vs

1. The Inspector General of
Registration, Santhome High
Road, Mylapore
Chennai 600 004.

2. The Joint Commissioner
Hindu Religious and Charitable
Endowment, Nungambakkam
High Road, Chennai 600 034.

3. The Sub Registrar No.II
The Office of Sub Registrar
Thiruppur, Tiruppur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the third respondent herein to register the documents when presented for registration by the petitioner in respect of the petitioner's land comprised in Survey No.165 corresponding to T.S.No.899/19/3 in Thiruppur Village, Thiruppur Town, Tiruppur Taluk and Survey No.163 corresponding to T.S.No.902/19/3, Thiruppur Village, Thiruppur Town, Thiruppur Taluk and for any other relief or reliefs that may be appropriate in the present circumstances of the case.

For Petitioner : Mr.V.P.Karthikeyan

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader
for 1 and 3

Mr.S.Kandasamy

Special Government Pleader for R2

ORDER

Heard Mr.V.P.Karthikeyan, learned counsel for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing on behalf of respondents 1 and 3 and Mr.S.Kandasamy, learned Special Government Pleader appearing on behalf of the second respondent.

2. The petitioner seeks for the issuance of a direction to direct the third respondent herein to register the documents when presented for registration by the petitioner in respect of the petitioner's land comprised in Survey No.165 corresponding to T.S.No.899/19/3 in Thiruppur Village, Thiruppur Town, Tiruppur Taluk and Survey No.163 corresponding to T.S.No.902/19/3, Thiruppur Village, Thiruppur Town, Thiruppur Taluk.

3. According to the petitioner, he has purchased two housing plots in Site Nos.11 and 16 in an approved lay out comprising in Survey No.165 corresponding to T.S.No.899/19/3 in Thiruppur Village, Thiruppur Town, Palladam Taluk and Survey No.163 corresponding to T.S.No.902/19/3 in Thiruppur Village, Thiruppur Town, Palladam Taluk measuring about 2100 sq.ft each from one K.Rangasamy S/o Karuppasamy Gounder vide two registered sale deeds dated 06.06.1988 bearing Document Nos.1994 and 1996 respectively. According to the petitioner, due to his family situation, he was trying to sell the aforesaid properties and approached the third respondent for registration. However, the third respondent is refusing to register the same on the ground that he has to obtain No Objection Certificate from the second respondent.

4. Learned counsel for the petitioner would submit that in respect of the other plots in the same lay out, already writ petitions were filed before this Court in W.P.Nos.1119 of 2013 and etc.batch and this Court vide order dated 27.03.2013 has disposed of the same with the following direction:

"The prayer in these writ petitions is to issue a writ of mandamus directing the fourth respondent to register the documents when presented for registration by the petitioners in respect of petitioners' land comprised in S.No.488/1A1 and S.No.488/1A2 of Naranapuram Village, Palladam Taluk, Tiruppur District.

2. When the matters were posted for admission on 17.1.2013, Mr.M.C.Swamy, then learned Special Government Pleader took notice for respondents 1 and 4. Mr.S.Kandasamy, learned Special Government Pleader (HR & CE) takes notice for respondents 2 and 3.

3. Today, the learned counsel appearing for the petitioners submitted that the matters in issue is covered by the judgment of this Court made in W.P.No.29896 of 2011, which order was passed on 23.12.2011, by following an earlier order made in W.P.No.23345 of 2006, dated 24.7.2006. The said order was challenged in appeal in W.A.No.1075 of 2011, which was also dismissed by the Hon'ble First Bench on 15.6.2012. The learned Special Government Pleader (HR & CE)

for respondents 2 and 3 therefore, submitted that similar order may be passed in these writ petitions also. The said facts are not disputed by the learned Government Advocate appearing for respondents 1 and 4.

4. In view of the same, there will be a direction to the respondents 1 and 4 to register and return the documents to the petitioners without insisting upon any No Objection Certificate within a period of two weeks from the date of receipt of a copy of this order. "It is made clear that this order shall not be treated as conferring title to the petitioners in any legal or other proceedings."

These writ petitions are disposed of accordingly. No costs. Connected miscellaneous petitions are closed." Accordingly, he would pray for a similar direction in this writ petition also.

5. Mr.S.Kandasamy, learned Special Government Pleader appearing on behalf of the second respondent submitted that the petitioner without furnishing the particulars regarding the plot numbers, which are in his possession, virtually seeks for a blanket relief.

6. Whereas the learned counsel for the petitioner submitted that he seeks the relief only regarding his two house sites, viz., Plot Nos.11 and 16 owned by him.

7. In view of the above submission and following the earlier order passed by this Court in the above referred batch of writ petitions, there will be a direction to the third respondent to accept for registration, the documents presented by the petitioner, in respect of his house sites bearing Plot Nos.11 and 16 alone without insisting upon the No Objection Certificate from the second respondent within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this order shall not entitle the petitioner to claim title in respect of the properties in question solely on the ground that the document has been registered or conferring any title on the proposed purchasers based on the sale deed that may be executed by the petitioner and the question of title is left open to be agitated before the appropriate forum in the event of challenge.

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8. With the above direction, this writ petition is disposed of.
No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vj2
To

1. The Inspector General of
Registration, Santhome High
Road, Mylapore
Chennai 600 004.
2. The Joint Commissioner
Hindu Religious and Charitable
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High Road, Chennai 600 034.
3. The Sub Registrar No.II
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Thiruppur, Tiruppur District.

1 CC to the Government Pleader SR NO-2285

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