

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33730 of 2013

1.H.Kantilal
2.H.Jawaharlal
3.H.Ashok Kumar ... Petitioners
vs.

1.The Inspector General of Registration,
Santhome High Road, Chennai -4.
2.The Sub Registrar,
Bharathi Salai,
Triplicane, Chennai -5.
3.Arulmighu Thiruvateeswarar Devasthanam
Triplicane,
Madras -5 rep. by its Executive Officer Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to register and return the document No.P201100083 Book I, Receipt No.2065 dated 28.11.11 to the petitioners.

For Petitioners : Mr.S.Vijayakumar
For R1 and R2 : Mrs.P.Rajalakshmi, GA
For R3 : Mr.K.V.Dhanabalan, AGP (HR&CE)

ORDER

The petitioners have come up with the present writ petition for a mandamus, directing the respondents to register and return the document bearing No.P201100083, Book I, Receipt No.2065 dated 28.11.2011 to them.

2. It is the case of the petitioners that they purchased a property measuring an extent of 1372 sq.ft situated at Door No.157, Perumal Lane, Royapettah, Chennai-14, comprised

in R.S.No.1246/33 Block No.26 of Triplicane Village, Mylapore-Triplicane Taluk, Chennai District from one M.Vasanthi and 3 others under a deed of sale dated 28.11.2011. The said sale deed was presented for registration before the second respondent. Though the same was received, it was kept as pending in P.No.201100083 Book I, Receipt No.2065 dated 28.11.2011. When the petitioners contacted the second respondent for collection of the document, they were informed that based on the instructions of the first respondent, the second respondent withholds the document. Therefore, the petitioners have filed the present writ petition for the above stated relief.

3. Learned counsel for the petitioners submitted that the petitioners are having valid title over the property. However, the second respondent insisted No objection Certificate from the third respondent for release of the document in question and hence, the present writ petition came to be filed.

4. Learned counsel for the third respondent submitted that since the land in question is belonging to the temple, an objection was raised before the second respondent for releasing the document. Therefore, the second respondent is keeping the document as pending and insisted the petitioners to get NOC from the third respondent.

5. However, learned counsel for the petitioners submitted that in similar circumstances, this Court by an order dated 04.03.2015 made in WP.No.1517 of 2015, directed the respondents to register the sale deed and return the same to the petitioners, without insisting upon any 'NOC'. He prayed for similar order in this writ petition also.

6. Keeping the submissions made on either side, I have perused the materials placed before this court. The learned Single Judge of this Court, by order dated 04.03.2015 made in WP.No.1517/2015, passed the following order:

"Considering the fact that following the order, dated 27.03.2013, several writ petitions were disposed of by this court, coupled with the further fact that the learned Special Government Pleader for the respondents 1 and 2 and the learned Government Advocate for the respondents 3 and 4 have no objection in following the order dated 17.02.2014, passed in WP.No.231 of 2013 viz., the order relied upon by the learned counsel for the petitioners, the present writ petition is also disposed of in the same line, i.e., directing the third and fourth respondents to register the sale deed presented by the petitioners in respect of the property more fully described in para No.2 of this order, and return the same to the petitioner

without insisting upon any 'NOC'. It is also made clear that this order will not confer any title to the petitioners in any legal or other proceedings and it is subject to scrutiny".

Following the same, similar order can be passed in this writ petition also.

7. Accordingly, the writ petition is disposed of by directing the respondents 1 and 2 to register the sale deed in P.No.201100083 Book I, Receipt No.2065 dated 28.11.2011 and return the same to the petitioners without insisting upon any No Objection Certificate from the third respondent within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this order will not confer any title to the petitioners in any legal and other proceedings and it is subject to scrutiny. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
Santhome High Road, Chennai -4.

2.The Sub Registrar,
Bharathi Salai,
Triplicane, Chennai -5.

3.The Executive Officer,
Arulmighu Thiruvateeswarar Devasthanam
Triplicane, Madras -5

+ 1 cc the Government Pleader Sr.13918
+ 1 cc to Mr.S. Vijayakumar, Advocate Sr.12753

W.P.No.33730 of 2013

KK(CO)
EU 06.04.16