

W.P.No.7333 of 2020
and W.M.P.No.8769 of 2020

N. ANAND VENKATESH, J.

This case is today posted under the caption “for being mentioned”.

2. Mr.T.M.Pappiah, learned Special Government Pleader submitted that the Registration Department has filed a Review Petition in W.P.No.30589 of 2013 and they have sought for the review of the directions given by the Division Bench. The learned counsel submitted that a petition to condone the delay is pending in W.M.P.No.3591 of 2020. Therefore, the learned counsel sought for deletion of paragraph No.11 of the order dated 02.06.2020 in W.P.No.7333 of 2020.

3. In view of the above submissions, before issuing directions, it will be in the fitness of things to wait for the result of the Review Petition. Accordingly, paragraph No.11 of the order is hereby deleted. The other directions given in the order shall stand as it is.

4. Registry is directed to issue fresh order copy to the parties by deleting paragraph No.11 in the said order.

12.06.2020

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N. ANAND VENKATESH, J.

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W.P.No.7333 of 2020
and W.M.P.No.8769 of 2020

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12.06.2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

WP. No. 7333 of 2020
and
WMP.No.8769 of 2020

- 1.K.Syed Haroon Rasheed
- 2.K.Syed Saliq
- 3.K.Syed Barghat Khadar
- 4.K.Syed Ozeer Hamza

... Petitioners

Versus

- 1.The Inspector General of Registration,
Santhome High Road,
Pattinampakkam,
Chennai – 600 028.

- 2.The Sub-Registrar,
Palladam Taluk,
Tiruppur District.

- 3.The Assistant Commissioner,
The Hindu Religious and Charitable Endowment Department,
Tiruppur – 641 604.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for refusal Check Slip of the 2nd respondent in No.RFL/Palladam/02/2020, dated 09.01.2020 and quash the same as illegal and unsustainable and further direct the 2nd respondent to admit and register Sale Deed, dated 09.01.2020 executed by the petitioner herein in favour of Exel Sourcing Company represented by its partner, E.Sivashankar, son of Eswaran with respect to land comprised in S.No.20 part measuring an

extent of 5.00 acres out of 14.60 acres situated at Mathapur Village, Palladam Taluk, Tiruppur District.

For Petitioners : Mr. V.P. Sengottuvel

For Respondents : Mr. M. Tamizharasan, (for R1 & R2)
Additional Govt. Pleader.
: Mr. M. Karthikeyan, (for R3)
Special Government Pleader.

ORDER

On the consent given by either side, the main Writ petition itself has been taken up for final hearing.

2. This Writ petition has been filed challenging the Refusal Check Slip issued by the second respondent by memo dated 09.01.2020 and for a consequential direction to direct the second respondent to admit and register the Sale Deed executed by the petitioner.

3. Mr.V.P.Sengottuvel, learned counsel appearing on behalf of the petitioner submitted that the subject property originally belonged to one A.Palani Gounder, who become the owner of the property under a registered Partition Deed. The said A.Palani Gounder bequeathed the subject property in favour of his daughters by a registered Will dated 11.06.1984. The learned counsel further submitted that the petitioners purchased the said property from

the beneficiaries under the Will by means of registered Sale Deed dated 22.02.1993. Learned counsel also submitted that the petitioners purchased another extent of 9.60 acres by registered Sale Deed dated 16.11.1992 and thereby the petitioners are the absolute owners of the entire extent of 14.60 acres. The learned counsel submitted that the Revenue records were mutated and Patta has been issued in favour of the petitioners.

4. The learned counsel further submitted that the petitioners decided to sell the subject property to a company and hence arrangements were made to prepare the Sale deed and the same was presented before the second respondent. The grievance of the petitioners is that the second respondent refused to admit the document for registration on the ground that the property stands in the name of the Hindu Religious and Charitable Endowment Department (HR & CE) Department. The refusal Check Slip, which is the subject matter of challenge in the present Writ petition, reflects the fact that the registration was refused on the ground that the property belongs to the Hindu Religious and Charitable Endowment Department (HR & CE) Department.

5. The learned counsel further developed his argument by placing reliance on the judgment of the Division Bench of this Court in WP. No. 30589

of 2013 etc., dated 05.04.2017 and it was submitted that the second respondent ought to have followed the procedure, as directed by this Court in the Judgment that has been referred and without doing the same, the second respondent went ahead refusing to admit the document for registration. The learned counsel also placed reliance upon the subsequent orders passed by this Court relying upon the Division Bench Judgment stated above. The learned counsel concluded his argument by submitting that the impugned Refusal Check Slip will have to be set aside and the matter has to be remanded to the second respondent to follow the procedure as directed by the Hon'ble Division Bench of this Court.

6. Heard Mr. M. Tamizharasan, learned Additional Government Pleader appearing for the first and second respondents and Mr.M.Karthikeyan, learned Special Government Pleader appearing for the third respondent.

7. The issue that has been raised in the present Writ petition is no longer *res-integra* and this Court has been repeatedly directing the office of the Sub-Registrar to follow the directions issued by the Division Bench and inspite of the same, it is found that documents are being returned back with a Refusal Check Slip in every case. Every time, the aggrieved executant of the documents are forced to approach of this Court, challenging the Refusal Check Slip and

every time this Court is reiterating and directing the concerned Sub-Registrar to follow the directions issued by the Division Bench. It looks like the Sub-Registrars are either unaware of the directions given by the Division Bench or they are mechanically refusing registration without taking into account the judgment of the Division Bench.

8. This is yet another case where Refusal Check Slip has been issued in a mechanical fashion without following the directions given by the Division Bench of this Court.

9. In view of the above, the Refusal Check Slip issued by the second respondent is hereby set aside and the petitioners are directed to re-submit the document to the second respondent. On such re-submission, the second respondent is directed to follow the directions given by the Division Bench scrupulously and thereafter take a decision with regard to the registration of the document.

10. The Writ petition is accordingly allowed with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

11. Registry is directed to post the connected Writ petitions in WP.Nos.29838, 29842 and 29852 of 2019 and WP.No.6878 of 2020 under the caption for orders on 09.06.2020.

02.06.2020

Index : yes/no

Internet: yes/no

Speaking/Non-Speaking order

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To

- 1.The Inspector General of Registration,
Santhome High Road,
Pattinampakkam,
Chennai – 600 028.
- 2.The Sub-Registrar,
Palladam Taluk,
Tiruppur District.
- 3.The Assistant Commissioner,
The Hindu Religious and Charitable Endowment Department,
Tiruppur – 641 604.

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