

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6878 of 2020  
and WMP.No.8199 of 2020

M.Saraswathi

W/o Mani, New No.5/83, Old No.5/81,  
Semmandampalayam Village,

Rep. by her Power Agent,

A. Sangeerunnisha

W/o. A.R.Abdul Kareem,

Door No.4/204, Vadukankalipalayam,

Semmandampalayam Village,

Palladam Taluk, Tiruppur District.

... Petitioner

Vs

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

2. The District Registrar,  
102, State Bank Road,  
Opp. Railway Police Station,  
Gopalapuram, Coimbatore - 641 018.

3. The Joint Sub-Registrar,  
6/171, Post Office Road,  
Avinashi, Tiruppur District.

4. Tamil Nadu Walf Board,  
No.1, Jaffar Sarang St,  
Seethakathi Nagar, Vallal,  
George Town,  
Chennai - 600 001.

.. Respondents

PRAYER: 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 3<sup>rd</sup> respondent in No.RFL/Avinashi/1/2020 dated 22.01.2020 and quash the same as illegal and unsustainable and further direct respondents 1 to 3 to admit and register Sale Deed dated 22.01.2020 executed by the petitioner herein in favour of Kalilur Rahman, Son of Mohamed Ismail with respect to land comprised in Plot No.6 measuring an extent of 2392 1/2 Sq.ft

comprised in S.No.374/1, situated at Semmandampalayam Village, Avinashi Taluk, Tiruppur District.

For Petitioner : Mr.V.P.Sengottuvel

For Respondents : Mr.T.M.Pappiah  
Special Government Pleader [R1 to R3]

Mr.Mohammed Fayaz Ali [R4]

O R D E R

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 issued by the third respondent by memo dated 22.01.2020 and for a consequential direction to direct the respondents 1 to 3 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 K.N.Haji Mohamed Sultan, who become the owner of the property under a registered Partition Deed. The said K.N.Haji Mohamed Sultan sold the subject property in favour of one K.Seniappan by a registered sale deed dated 08.06.1970. Thereafter K.Senniappan developed an extent of acre 1.38 out of the extent of 5.51 acres comprised in S.No.374/1, situated at Semmandampalayam, Avinashi, Palladam Taluk as a layout of housing plots and sold one of such plots to one A.Sageeunnisha by a registered sale deed dated 31.03.1995. The learned counsel further submitted that the petitioner purchased the said property from the said A.Sageerunnisha under a registered sale deed dated 26.09.2008 and thereby the petitioner is the absolute owner of the 2392sq.ft. The learned counsel submitted that the revenue records were mutated and Patta has been issued in favour of the petitioner.

4. The learned counsel further submitted that the petitioner decided to sell the subject property to Kalilur Rahman and hence arrangements were made to prepare the Sale deed and the same was presented before the third respondent. The grievance of the petitioner is that the third respondent refused to admit the document for registration on the ground that the District Registrar, Coimbatore in his letter dated 22.01.2008 informed that the fourth respondent claims the land in S.No. 374 to belong to the wakf and the petitioner must produce NOC from the fourth respondent. 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 fourth respondent.

5. The learned counsel further developed his argument by placing reliance on the judgment of the Division Bench of this Court in W.P.No. 30589 of 2013 etc., dated 05.04.2017 and it was submitted that the third 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 third 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.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.Mohamed Fayaz Ali, learned counsel appearing for the fourth 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-Registrar 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 third respondent is hereby set aside and the petitioner is directed to re-submit the document to the third respondent. On such re-submission, the third 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.

The writ petition is according allowed with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

mp/kp

To

1. The Inspector General of Registration,  
Santhome High Road,  
Pattinapakkam, Chennai - 600 028.
2. The District Registrar,  
102, State Bank Road,  
Opp. Railway Police Station,  
Gopalapuram, Coimbatore - 641 018.
3. The Joint Sub-Registrar,  
6/171, Post Office Road,  
Avinashi, Tiruppur District.
4. Tamil Nadu Walf Board,  
No.1, Jaffar Sarang St,  
Seethakathi Nagar, Vallal,  
George Town, Chennai - 600 001.

+1cc to Government Pleader SR.No.24881

W.P.No.6878 of 2020  
and WMP.No.8199 of 2020

AJS (CO)  
GMY (09/11/2020)

WEB COPY