

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.12689/2020
& WMP.No.15674/2020

T.Poongodi

.. Petitioner

Versus

1.The Sub Registrar
O/o.The Sub Registrar,
Perundurai, Erode District.

2.Arulmigu Moovendhar Adi
Narayana Perumal Thirukoil
rep.by its Thakkar
Nasiyanur, Erode District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the 1st respondent bearing Refusal Number RFL/Perundurai/35/2020 dated 27.07.2020 and Na.Ka.No.185/2020 dated 27.07.2020 and quash the same and consequently direct the 1st respondent to remove the entry of the 2nd respondent's letter dated 20.07.2020 in Index II of Book No.1 of the Sub Registrar's office, Perundurai and register the document presented for registration under Application No.TP/93106420/2020 dated 27.07.2020.

For Petitioner: Mr.T.Gowthaman

For R1 : Mr.T.M.Pappiah
Special Government Pleader

ORDER

(1)On consent given by either side, the main writ petition itself is taken up for final hearing.

(2)This writ petition has been filed challenging the impugned Check Slip issued by the 1st respondent, directing the petitioner to get a No Objection from the 2nd respondent in order to register the document presented by the petitioner before the 1st respondent.

(3) The case of the petitioner is that the subject property was continuously in possession and enjoyment of one Ramayee and 5 others. They have also been granted Ryotwari Patta under the Inam Abolition Act, in the year 1970. According to the petitioner, the 2nd respondent / Temple had staked its claim even during the enquiry before the Settlement Officer and the same was rejected and the Ryotwari patta was granted. The further case of the petitioner is that this order has also become final. Pursuant to the same, the owners of the property executed a Sale Deed in favour of the petitioner on 24.07.2020. When this was presented for registration before the 1st respondent, the same was refused to be rejected and the 1st respondent, through the Refusal Check Slip, directed the petitioner to get a No Objection from the 2nd respondent / Temple. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

(4) Heard the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader accepting notice on behalf of the 1st respondent.

(5) The issue involved in the present writ petition is squarely covered by the earlier orders passed by this Court under similar circumstances, relying upon the Division Bench judgment in WP.No.30589 of 2013 dated 05.04.2017. The relevant portions in one of the orders passed in WP.No.29838 of 2019 dated 13.07.2020, are extracted hereunder:-

'6. 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 in spite 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 document 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 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.

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

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

(6) In view of the above, the writ petition is allowed and the impugned Check Slip issued by the 1st respondent is hereby quashed. The 1st respondent is directed to strictly comply with paragraph No.25 of the Division Bench judgment and take a decision within a period of four weeks from the date of receipt of a copy of this order. The 1st respondent shall give an opportunity to the 2nd respondent before taking a final decision. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1. The Sub Registrar
O/o. The Sub Registrar,
Perundurai, Erode District.

+1 Cc to The Govt. Pleader sr 31140.

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WP.No.12689/2020

MG (CO)
SP(15/10/2020)

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