

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.13192 of 2020 &
WMP.Nos.16318 & 16319 of 2020

Sengodan

...Petitioner

Vs.

1. The District Registrar,
Office of the District Registrar,
Park Road, Gobichettipalayam,
Erode.

2. The Sub Registrar,
Sathyamangalam, Erode.

...Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorari to call for the records on the file of the 2nd respondent in proceedings Refusal Check Slip in RFL/Sathyamangalam/36/2020 dated 19.06.2020 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mrs.R.Poornima
For Respondents : Mr.T.M. Pappiah,
Spl. Govt. Pleader

O R D E R

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

2.This Writ Petition challenges the impugned refusal Check Slip issued by the 2nd respondent dated 19.6.2020.

3. The learned counsel for the petitioner submitted that the subject property is situated at Survey Nos.157/1 and 157/2. Earlier, there was some dispute with regard to Survey No.155/2B. The matter reached this Court in W.P.No.22059 of 2017 and this Court passed an interim order on 18.8.2017 to the effect that no registration of documents will be with pertaining to the said survey number, pending disposal of the Writ Petition.

4. The learned counsel for the petitioner further submitted that the Writ petition was finally disposed of by this Court on 12.12.2019. The learned counsel specifically placed reliance upon paragraph 8 of the order and the same is extracted hereunder;

' 8. With regard to the dispute inter se between the petitioners in W.P.No.4240 of 2018 and the petitioner in W.P.No.22059 of 2017, it is left open to the parties to agitate their rights before the appropriate Civil Court. During the pendency of these writ petitions, an order of status quo dated 18.08.2017, was passed in W.P.No.22059 of 2017. Since this Court has remanded the matter to the Director of Town and Country Planning with further directions, till orders are passed in terms of the above direction, the status quo with regard to properties in question prevailing as on 18.08.2017 shall be maintained and no further encumbrance shall be created nor the physical features be altered. It is made clear that any observations made in this order cannot be taken advantage by any of the parties and their respective civil rights which have to be independently agitated before the competent civil forum based on oral and documentary evidence. No costs. Consequently, connected miscellaneous petitions are closed.'

5. The learned counsel submitted that the document presented by the petitioner was rejected by the 2nd respondent by citing the above said order. The learned counsel by pointing out to the impugned refusal Check Slip, submitted that the 2nd respondent misdirected himself by placing reliance upon the earlier orders passed by this Court which pertains to Survey No.155/2B. Hence the learned counsel prayed for setting aside the impugned Refusal Check Slip and for a direction to the 2nd respondent to register the document.

6. Heard Mr.T.M. Pappiah, learned Special Govt. Pleader appearing on behalf of the respondents.

7. This court finds force in the submission made by the learned counsel for the petitioner. The orders that were passed by this Court confined itself to a particular property. According to the petitioner, the subject property is situated in Survey Nos.157/1 and 157/2 and it has nothing todo with the earlier orders passed by this Court. This plea raised by the petitioner ought to have been considered by the 2nd respondent before issuing the impugned Refusal Check Slip. The Refusal Check Slip has been issued in a mechanical fashion.

8. In view of the above, the impugned Refusal Check Slip issued by the 2nd respondent is hereby quashed. The 2nd respondent is directed to receive the document from the petitioner and satisfy himself as to whether the survey number in question matches with the survey number that was the subject matter in the earlier Writ Petitions. In the absence of the same, the 2nd respondent is directed to proceed further and register the document presented by the petitioner, if it is otherwise in order and the petitioner pays the necessary stamp duty and registration fees.

9. This Writ Petition is disposed of with the above direction. No costs. Consequently, the connected WMP.Nos.16318 & 16319 of 2020 are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msr

To

1. The District Registrar,
Office of the District Registrar,
Park Road, Gobichettipalayam,
Erode.
2. The Sub Registrar,
Sathyamangalam, Erode.

+lcc to Mrs.R.Poornima, Advocate, SR.No.31340
+lcc to Government Pleader, SR.No.31304

W.P.No.13192 of 2020 &
WMP.Nos.16318 & 16319 of 2020

LN (CO)

KKV (08/10/2020)

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