

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.14291 of 2020

A.Waheeda

..Petitioner

Versus

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

2.The Sub-Registrar,
Cumbum.

3.The Sub-Registrar, Mylapore,
Bharathidasan Salai, Chennai.

4.The Hindu Religious & Charitable Endowments,
Rep. by its Commissioner,
Nungambakkam, Chennai.

5.Ellaiaimman & Pazhandi Amman Temple,
88, Kamarajar Salai, Mylapore,
Chennai - 600 004.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd respondent to issue 'No objection' with respect to the registration of partition deed in respect of 915 Sq.Ft., of land and building at No.3, Beach Road, Santhome High Road, Nochikuppam, Santhome, Chennai - 600 004.

For Petitioner : M/s.S.P.Arthi

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

For R4 : M/s.G.N.Jayaneeswari
Government Advocate

For R5 : Mr.A.K.Sriram for
M/s.A.S.Kailasam Associates

ORDER

This Writ Petition has been filed for issue of writ of mandamus directing the 3rd respondent to register the partition deed submitted by the petitioner without insisting for an NOC from the 5th respondent temple.

2. Heard M/s.S.P.Arthi, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents 1 to 3, M/s.G.N.Jayaneeswari, learned Government Advocate for the 4th respondent and Mr.A.K.Sriram, learned counsel for the 5th respondent.

3. 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.''

4. In view of the above, the writ petition is allowed and the 3rd 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 3rd respondent shall give an opportunity to the 5th respondent before taking a final decision. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2.The Sub-Registrar,
Cumbum.

3.The Sub-Registrar, Mylapore,
Bharathidasan Salai, Chennai.

4.The Commissioner,
The Hindu Religious & Charitable Endowments,
Nungambakkam, Chennai.

+1cc to M/s.A.S.Kailasam & Associates, Advocate, S.R.No.35094

+1cc to the Government Pleader, S.R.No.35199

WP.No.14291 of 2020

PA(CO)
RV(04/12/2020)

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