

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17640 of 2020

G.Pattabiraman

..Petitioner

.Vs.

1. The District Registrar (Administration),
O/.The District Registrar Office,
Chennai North,
Kuralagam, N.S.C.Bose Road,
Parrys, Chennai 600 001.
 2. The Sub Registrar,
O/o.The Sub Registrar Office, Ponneri,
Taluk Office Road,
Ponneri 601 204,
Thiruvallur District.
 3. The Assistant Commissioner,
Hindu Religious & Charitable Endowment (HR&CE),
Thiruvallur 602 001,
Thiruvallur District.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent and quash the Impugned Letter dated 20.02.2020 in Na.Ka.No.109/2020 seeking for NOC from the 3rd respondent for registering the Sale Deed as the same is unconstitutional, arbitrary, illegal and against settled principles of law and natural justice and further direct the 2nd respondent to receive and register Sale Deed dated 20.02.2020 and/or any other Sale Deed presented by petitioner and his successors in interest pertaining to the lands in S.No.106/8, Thiruvellavoyal Village, Ponneri Taluk, Thiruvallur District without insisting for NOC from 3rd respondent.

For Petitioner : Mr.N.R.Anantha Rama Krishnan

For RR 1 & 2 : Mr.T.M.Pappaiah
Special Government Pleader

For R 3 : Mr.M.Karthikeyan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the Impugned Letter issued by the 2nd respondent to the 3rd respondent seeking for No Objection Certificate (NOC) from the 3rd respondent on the ground that the subject property belongs to the HR & CE Department.

2.The petitioner has traced the title to the property right from the year 1928 onwards and has taken a categorical stand that the 3rd respondent has absolutely no claim in the subject property. When the petitioner submitted the Sale Deed for Registration, the 2nd respondent refused to register the Sale Deed without getting the NOC from the 3rd respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3.Heard Mr. N.R.Anantha Rama Krishnan and Mr.T.M.Pappaiah, learned Special Government Pleader for respondents 1 and 2 and Mr.M.Karthikeyan, learned Special Government Pleader appearing on behalf of the 3rd respondent.

4.The issue involved in the present Writ Petition is squarely covered by the earlier order passed by this Court in W.P.No.29838 of 2019, dated 13.07.2020. The relevant portions in the Order 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 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 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.

5. In view of the above, there shall be a direction to the 2nd respondent to comply with the directions issued by the Division Bench of this Court in W.P.No.30589 of 2013 etc., dated 05.04.2017, scrupulously and thereafter take a decision with regard to the registration of the document.

6. In the result, this Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Registrar (Administration),
O/The District Registrar Office,
Chennai North,
Kuralagam, N.S.C.Bose Road,
Parrys, Chennai 600 001.
2. The Sub Registrar,
O/o.The Sub Registrar Office, Ponneri,
Taluk Office Road,
Ponneri 601 204,
Thiruvallur District.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowment (HR&CE),
Thiruvallur 602 001,
Thiruvallur District.

+1cc to M/s.N.r.Ananatha Ramakrishnan, Advocate, S.R.No.39873
+1ccs to the Special Government Pleader, S.R.No.40199
+1ccs to the Government Pleader, S.R.No.40430

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PA(CO)
RV(23/12/2020)