

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 7692 of 2018

and

W.M.P.Nos.9595 and 9596 of 2018

K.Subramanian

... Petitioner

vs

1.The State,

Represented by

The Inspector General of Registration

No.100, Santhome High Road,

Chennai - 600028.

2.The Sub-Registrar,

Pollachi,

Coimbatore District.

3.Arulmighu Subramanishwamy Thirukoil,

Represented by its Executive Officer,

Pollachi.

4.Nataraj Kalingarayar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.65/2008 dated 02-02-2018 and Serial No.1 of 2018 dated 02-02-2018 and quash the same and consequently directing the 2nd respondent to entertain and to register the instruments such as Sale Agreement, Sale Deed, Lease, Mortgage and other legal instruments in respect of the properties in Survey No.15B/2B1 of A.Sangampalaym Village, Pollachi Taluk, Coimbatore District and to remove the endorsement if any made on the basis of the representation made by the 3rd respondent relating to Survey No.15/B2.

For Petitioner : Mr.E.K.Kumaresan

For Respondents: Mr.P.P.Purushothaman (For R1 and R2)

Government Advocate

Ms.R.Meenal (For R3)

O R D E R

This Writ Petition is filed for a Writ of Certiorarified Mandamus, to quash the order passed by the second respondent in

Na.Ka.No.65/2008 dated 02.02.2018 and consequently, to direct the second respondent to accept and register the instruments such as Sale Agreement, Sale Deed, Lease, Mortgage and other legal instruments in respect of the property in Survey No.15B/2B1 of A.Sangampalaym Village, Pollachi Taluk, Coimbatore District and to remove the endorsement if any made on the basis of the representation made by the third respondent relating to Survey No.15/B2. The impugned order is an order by way of check slip refusing to register a sale agreement on the basis of objection raised by the third respondent.

2. It is admitted that the issue is covered by previous order of this Court in W.P.No.41268 of 2016 and 7026 of 2017 dated 08.01.2021 allowing similar writ petitions. It is admitted before this Court that the Ryotwari patta was issued in favour of the predecessor in interest of the petitioner. The third respondent/temple filed a suit in O.S.No.187 of 1990 before the Sub Court, Udumalpet, claiming title and the same was dismissed. Further the third respondent/temple preferred A.S.No.153 of 1999, and it was also dismissed. As against the same, the third respondent/temple preferred a Second Appeal in S.A.No.2137 of 2001 and the same was dismissed on 21.12.2001. Further, a review application filed by the third respondent/temple was also dismissed. Despite the issue on title is decided by Civil Court against the third respondent, the temple raised some objections for registering any document of conveyance. Based on such objections, the impugned order was passed.

3. In such circumstances, the petitioner has every right to execute the sale agreement or deed of conveyance in respect of the property owned by him. The impugned order is liable to be quashed.

4. Accordingly, the writ petition is allowed. The second respondent is directed to register the instrument which is presented by the petitioner or any one claiming under him. In case, if the instruments already presented by the petitioner is still pending, the second respondent is directed to register the same and return the original instruments after registration within a period of three weeks from the date of receipt of a copy of this order. No Costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600028.

2.The Sub-Registrar,
Pollachi,
Coimbatore District.

+1 CC to The Government Pleader sr 9935
+1 CC to Ms.R.Meenal, Advocate sr 9819
+1 CC to Mr.E.K.Kumaresan, Advocate sr 9731.

W.P. No.7692 of 2018

RSI (CO)
SP(15/03/2021)