



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23245 of 2021

S.Abdul Samath

...Petitioner

vs.

1.The Inspector General of Registration,
No. 100, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
District registrar officiec,
Neriperunchal,
Tiruppur - 641 602.

3.The Sub-Registrar,
Nallur Registrar Office,
Tiruppur.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Nallur-Tiruppur/58/2021 dated 23.08.2021 in Survey Number 671/2A1 an extent of 3200 Sq.fts, situated at Nallur Village, Tiruppur South Taluk and Tiruppur District.

For Petitioner : Ms.R.Shase
for Mr.M.Guruprasad

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Nallur-Tiruppur/58/2021 dated 23.08.2021 in Survey Number 671/2A1 to an extent of 3200 Sq.fts, situated at Nallur Village, Tiruppur South Taluk, Tiruppur District.



2. The case of the petitioner is that the petitioner purchased a house flat comprised in old S.F.No.671/2, new S.No.671/2A1 ad-measuring 3200 Sq.ft, situated at Nallur Village, Tiruppur South Taluk, Tiruppur District. The total extent of the land comprised in 5.61 acres belong to one K.N.Subramaniam and he was granted patta by the Settlement Tahsildar No.II, Gopichettypalayam by the proceedings in S.No.665/68 M.I.Act/Palladam Taluk, dated 10.10.1968 under Section 8(2) (i) (b) of the Madras Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963. Thereafter, the said property was developed into layout and the same was sold out to various persons. The petitioner is one of the purchaser and presented the sale deed before the 3rd respondent for registration. However, it was returned by the impugned check slip for the reason that the 3rd respondent received protest petition from the Hindu Religious and Charitable Endowments Department as if, the said land belong to them.

3. The learned counsel for the petitioner would submit that by the proceedings dated 10.10.1968 itself is the vendor's vendor was issued patta and subsequently, they layout the said property. From the layout, there were so many purchasers have purchased the same and the petitioner is a subsequent purchaser of the small extent of land ad-measuring 3200 Sq.ft. The 3rd respondent only on receipt of the objections from the Hindu Religious and Charitable Endowments Department without even conducting enquiry, mechanically returned the sale deed by the impugned check slip.

4. Considering the above, the impugned check slip cannot be sustained, since without conducting enquiry and passed orders and returned the sale deed presented for registration.

5. In view of the above, the impugned order dated 23.08.2021 in Refusal Check Slip in refusal number RFL/Nallur-Tiruppur/58/2021 passed by the 3rd respondent, is hereby set aside. However, the petitioner is directed to represent the sale deed before the 3rd respondent for registration, within in a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 3rd respondent is directed to conduct enquiry under Section 22(A) of the Registration Act, 1908, after issuance of notice to the petitioner and counter parties viz., the Hindu Religious and Charitable Endowments Department and after giving opportunity of hearing to them, pass orders on merits and in accordance with law, either register the sale deed or reject the same, within a period of six weeks, thereafter.



6. With the above directions, this writ petition is allowed.
No costs.

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Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

dm

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
District registrar officc,
Neriperunchal,
Tiruppur - 641 602.

3.The Sub-Registrar,
Nallur Registrar Office,
Tiruppur.

+1cc to Mr.M.Guruprasad, Advocate SR.No.65047

+1cc to the Government Pleader SR.No.64886

W.P.No.23245 of 2021

VBM(CO)
RVM(20/12/2021)