



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22386 of 2021

N.Namadevan

....Petitioner

Vs

The Sub Registrar,
Office of the Sub Registrar,
Gingee,
Villupuram District.

....Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the Refusal Check Slip dated 28.09.2021 in RFL/Gingee/6/2021 issued by the respondent herein and quash the same and consequently direct the respondent to register the sale agreement dated 28.09.2021 executed by the petitioner in favour of one Mr.Raghupathy, S/o.Kandasamy on representation with a time frame to be stipulated by this Court.

For Petitioner : Ms.V.Suguna
for Mr.C.Munusamy

For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the Refusal Check Slip dated 28.09.2021 in RFL/Gingee/6/2021 issued by the respondent herein ; quash the same and consequently direct the respondent to register the sale agreement dated 28.09.2021 executed by the petitioner in favour of one Mr.Raghupathy, S/o.Kandasamy on representation with a time frame to be stipulated by this Court.

2. The petitioner purchased the property to an extent of 2 acres 13½ cents comprised in survey No.19/3A3 and to an extent of 2½ cents comprised in survey No.19/3C2 situated at Jayankondan Village, Gingee Taluk, Villupuram District, by a registered sale deed dated 13.06.2008 vide document No.1435 of 2008 on the file of the respondent. Thereafter, the said



property was layout into house plots and the petitioner had sold out the house plots to 40 purchasers and all the sale deeds were duly registered by the respondent. The remaining plot to be sold is available to an extent of 1080 sq.ft in survey No.19/3a1A and another area to an extent of 1090 sq.ft in survey No.19/3C2 situated at Jayankondan Village, Gingee Taluk, Villupuram District. Therefore, the petitioner intended to sell the same and executed the agreement for sale in favour of one Raghupathy. The agreement for sale was presented for registration before the respondent herein on 28.09.2021. However, the same was refused for the reasons that "(i) the Government land/ Hindu Religious and Charitable Trust Department/Wakf Board/Boomin Thana land/Panchami land, etc., (ii) unrecognized/Un-regularised house site". Without specifying any specific reason, by the impugned order dated 28.09.2021, it has been rejected.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent submitted that the subject land belonged to Wakf Board and as such, the respondent refused to receive the same.

4. In view of the above, the petitioner is directed to re-present the agreement of sale for registration and on receipt of the same, the respondent is directed to conduct enquiry, after giving an opportunity of hearing to the petitioner and the counter parties, who objects to register the same and pass orders on merits and in accordance with law, within a period of six weeks, thereafter.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Lpp

To
The Sub Registrar,
Office of the Sub Registrar,
Gingee,Villupuram District.

+lcc to Mr.C.Munusamy, Petitioner Advocate, S.R.No.61334
+lcc to the Government Pleader, S.R.No.61919

W.P.No.22386 of 2021

NR(CO)
RGA(21/12/2021)