

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No. 8594 of 2017
and W.M.P.Nos. 9412 and 9413 of 2017

A.Jayalakshmi
W/o.Ayyasamy Krukkal

... Petitioner

Vs.

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

2.The Sub Registrar,
Pollachi, Coimbatore District.

3.A/m.Subramania Swamy Thirukoil,
Rep. by its Executive Officer,
Pollachi.

.... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order of the second respondent in his Check Slip No.728 of 2016 dated 28.11.2016 and to quash the same and consequently direct the second respondent herein to entertain and to register the instruments, such as sale agreement, sale deed and any other instruments in respect of the lands comprised in the above SF No.1/2A situated in A.Sangampalayam Village, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.Muthumani Duraiswami

For Respondents: Mr.B.Kannan,
Government Advocate
for R1 and R2
Mr.T.Sezhian for R3

ORDER

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to quash the impugned order of the second respondent in his Check Slip No.728 of 2016 dated 28.11.2016 and consequently direct the second respondent to

entertain and to register the instruments, such as sale agreement, sale deed and any other instruments in respect of the lands comprised in the above SF No.1/2A situated in A.Sangampalayam Village, Pollachi Taluk, Coimbatore District.

2. Brief facts that are necessary for the disposal of this Writ Petition are as follows.

The lands in Survey Nos.1/1, 1/2A and 15A, 15B2, 17/8 situated at A.Sangampalayam Village, Pollachi Taluk, Coimbatore District, appear to have been assigned in favour of One Kuppayan who was the then Poojari of Arulmigu Subramania Swami Thirukoil, Pollachi. It is stated in the accompanying affidavit filed in support of this Writ Petition that the said assignment by way of Jarimana Patta was by the then District Collector of British Government in the year 1805. The Tamil Nadu Government enacted Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari Act) (hereinafter referred as "the Act") in 1963 and settlement proceedings were initiated. It appears that there was a dispute with regard to the title of the property. While the legal heir of Kuppayan claimed Ryotwari patta in respect of the lands, the third respondent temple also applied for Ryotwari patta in terms of the provisions of the Act. It is now admitted that the patta in favour of one Subbulakshmi Ammal who is the legal heir of Kuppayan was issued and that the settlement proceedings have become final. Even thereafter, the temple filed a suit in O.S.No.187 of 1990, before the Sub Court, Udumalpet, against the said Subbulakshmi for declaration of title in respect of Ryotwari lands comprised in Survey Nos.1/1, 1/2A and 15A, 15B2, 17/8 situated at A.Sangampalayam Village, Pollachi Taluk, Coimbatore District. The suit claiming title over the property was dismissed and a further appeal was also dismissed in A.S. No.153 of 1999. Thereafter, the temple preferred S.A. No.2137 of 2001 and the second appeal was also dismissed on 21.12.2001. The temple thereafter preferred a Special Leave Petition before the Hon'ble Supreme Court and then the matter was remanded to this Court to decide the Second Appeal afresh. Thereafter, this Court heard the Second Appeal and dismissed the Second Appeal on 29.04.2015. The judgment of this Court in the Second Appeal was also confirmed by the Hon'ble Supreme Court by dismissing Special Leave Petition in S.L.P. No.6395 of 2016 on 18.07.2016.

3. The grievance of the petitioner is that by the impugned Check Slips the second respondent namely the Sub-Registrar refused to register the sale agreement dated 25.11.2016, on the basis of letter dated 28.11.2007 addressed to the Sub Registrar by the third respondent temple. In the letter, it was requested not to entertain any document for registration of land in Survey Nos.1/1, 1/2A and 15A, 15B2, 17/8 situated at A.Sangampalayam Village, Pollachi Taluk, Coimbatore District citing the pendency of SLP before Hon'ble Supreme Court. Challenging the impugned Check Slips, this writ petition is filed.

4.This Court already considered the same issue on the same set of facts in W.P.Nos.41268 of 2016 and 7026 of 2017 and also allowed the writ petitions after quashing the impugned order passed by the second respondent in Check Slip Nos.714 of 2016 and 82 of 2017 and directed the second respondent to register the instrument if it is presented by the petitioner or any one claiming under them. The suit filed by the temple for tittle is dismissed and the judgment of trial Court was confirmed by the Hon'ble Supreme Court.

5.Following the order passed by this Court in W.P.Nos.41268 of 2016 and 7026 of 2017 dated 08.01.2021, this Court allow the writ petition and the impugned order of the second respondent in Check Slip No.728 of 2016 dated 28.11.2016, is hereby quashed. No costs. Connected miscellaneous petitions are closed.

6.The second respondent is directed to register the instrument if it is presented by the petitioner and return the original instrument within a period of three weeks from the date of receipt of a copy of this order. In case the petitioner has to re-present the sale agreement, the registrar shall Register the same and return the original instrument within a period of one week from the date of presentation of the document. The Registrar is further directed not to refuse registration of any document submitted by the petitioner on the basis of objection raised by the temple authorities as the issue regarding tittle is settled by Hon'ble Supreme Court in the prior litigation.

Sd/-
Assistant Registrar(CS-III)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

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

2.The Sub Registrar,
Pollachi, Coimbatore District.

3.The Executive Officer,
A/m.Subramania Swamy Thirukoil,
Pollachi.

+1cc to Mr.Muthumani Duraiswami, Advocate SR.No.20739

+1cc to M/s.R.Meenal, Advocate SR.No.20989

+1cc to Government Pleader SR.No.21032

W.P.No. 8594 of 2017

PL(CO)
GMY(05/05/2021)



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