



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.29462 OF 2019

AND

W.M.P.NOS.29308 & 29310 OF 2019

N.Palanisamy,
S/o. Narayana Gounder

... Petitioner

.Vs.

1. State represented by
The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai-600 028.
2. The Sub-Registrar,
Negamam, Coimbatore Dt.
3. A/m. Subramania Swamy Thirukoil,
represented by its Executive Officer,
Pollachi, Coimbatore Dt.
4. L.N.Ganam,
W/o.V.Amirthalingam

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Check Slip No.24 of 2019 dated 23.07.2019 and to quash the same and consequently direct the 2nd 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 old S.No.98/A2, situated in Thirumalaiammal Nagar, Solanur Village, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.M.Rajasekar

For Respondents : Mr.Yogesh Kannadasan
Government Advocate
For R1 & R2

Mrs.Meenal for R3



O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed challenging the order passed by the 2nd respondent Sub-Registrar refusing to register the sale agreement on the ground that the 3rd respondent temple has raised objections under Sec.22-A of the Registration Act claiming title over the property.

2. The grievance of the petitioner is that, the 4th respondent is the owner of property in Survey Nos. 1/1, 1/2A, 15A, 15B2 situated at A.Sangampalayam Village, Pollachi Taluk, and Survey No.98/A2 situated at Solanur Village, Pollachi Taluk. Now, he has sold the property in favour of petitioner and he has also executed a sale agreement, and he has presented the same before the 2nd respondent Sub-Registrar for registration. The 2nd respondent had refused to register the same on the ground that, the 3rd respondent claiming title over the property had filed objections. Now, challenging the same, the present writ petition has been filed by the petitioner.

3. Mr.M.Rajasekar, learned counsel appearing for petitioner would submit that, earlier, a ryotwari patta has been granted in favour of predecessors of petitioner's vendor under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act 30 of 1963. Thereafter, the 3rd respondent temple filed a Suit claiming right over the property in O.S.No.187 of 1990 on the file of Sub-Court, Udumalpet and that suit was dismissed. Thereafter, further appeal has been filed in A.S.No.153 of 1999 and finally, second appeal filed by the temple in S.A.No.2137 of 2001 was also dismissed on 21.12.2001. Aggrieved over the judgment, the 3rd respondent temple had filed Special Leave Petition before the Hon'ble Supreme Court and the same was also dismissed on 18.07.2016. In the said circumstances, the 3rd respondent temple cannot claim title over the property and they cannot raise objections.

4. Mrs.Meenal, learned counsel appearing for 3rd respondent would fairly admit the above facts, and submitted that the temple has lost the suit, ultimately, Hon'ble Supreme Court confirmed the judgment and decree passed by the trial court.

5. Heard the rival submissions made by learned counsel appearing for petitioner as well as learned Government Advocate appearing for respondents 1 and 2 and learned counsel appearing for 3rd respondent and perused the records.

6. Considering the above circumstances that, the tile claimed by the 3rd respondent temple has been negated by a



competent civil court, which was ultimately confirmed by Hon'ble Supreme Court, now the 3rd respondent cannot raise objections for registering the document in favour of petitioner. Mr.M.Rajasekar, learned counsel appearing for petitioner also submitted that, the petitioner has already challenged the similar order passed by the 2nd respondent in respect of very same survey number by way of filing Writ Petition before this Court and this Court has allowed the Writ Petition by an order dated 08.01.2021 in W.P.Nos.41268 of 2016 and 7026 of 2017. In the said circumstances, the impugned order passed by the 2nd respondent Sub-Registrar is set aside and the 2nd respondent is directed to register the document presented by the petitioner if it is otherwise in order, and return the original document to the petitioner within a period of four weeks from the date of receipt of copy of this order. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Inspector General of Registration,
State,
No.100, Santhome High Road,
Santhome, Chennai-600 028.
2. The Sub-Registrar,
Negamam, Coimbatore Dt.
3. The Executive Officer,
A/m. Subramania Swamy Thirukoil,
Pollachi, Coimbatore Dt.

+1cc to Mr.M.Rajasekar, Advocate, S.R.No.35869
+1cc to Mrs.Meenal, Advocate, S.R.No.35881
+1cc to the Government Pleader, S.R.No.36557

W.P.NO.29462 OF 2019

NMI (CO)
PBS/26/08/2021