



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. (MD) No.17282 of 2020

R.Thirukumar

...Petitioner

Vs.

1.The Sub-Registrar,
Aruppukottai.

2.The Official Receiver,
District Cour,
Srivilliputtur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in his proceedings in Avanam Aaivu Kurippaanai No.RFL/Aruppukottai/77/2020, dated 07.11.2020 and quash the same and consequently, direct the 2nd respondent to register the document of release executed by the petitioner's mother and sisters in his favour and in favour of his brother.

For Petitioner : Mr.V.Singan

For Respondents : Mr.K.Sathiyasingh for R1
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned Refusal slip issued by the first respondent, dated 07.11.2020, wherein, the document presented by the petitioner was refused to be registered on the ground that the petitioner must get a No Objection Certificate from the second respondent and thereafter, present the document for registration.

2.The case of the petitioner is that the subject property was purchased by the father of the petitioner through various sale deeds in the year 1980. The further case of the petitioner that his father died intestate in the year 2013 leaving behind the petitioner and the other legal heirs. It is also stated that insolvency proceedings were initiated before the Sub Court, Aruppukottai and neither the father of the petitioner nor the properties are involved in the proceedings.

3.The grievance of the petitioner is that when the document is presented for registration before the first respondent, the first respondent insisted for getting a No Objection Certificate from the second respondent. When the petitioner approached the second



respondent, the second respondent did not give any No Objection Certificate. Therefore, the petitioner is not able to deal with the properties. Left with no other alternative, the present writ petition has been filed before this Court seeking for appropriate directions.

WEB COPY

4. Heard Mr.V.Singan, learned counsel for the petitioner and Mr.K.Sathiya Singh, the learned Additional Government pleader, for the first respondent. The second respondent has been served with notice and the name has also been printed in the cause list and there is no representation for the second respondent either in person or through counsel.

5. Taking into consideration the facts and circumstances of the case and the reasons assigned by the first respondent for refusing to register the document, there shall be a direction to the second respondent to consider the request made by the petitioner seeking for No Objection Certificate. If the property in question is not a subject matter of the insolvency proceedings, it is left open to the second respondent to issue an appropriate No Objection Certificate to enable the petitioner to register the documents. In any event, the second respondent has to take a decision on the request made by the petitioner and the petitioner cannot be made to wait endlessly to deal with the properties.

6. In view of the above, there shall be a direction to the petitioner to make a fresh representation to the second respondent, seeking for No Objection Certificate and the same shall be considered by the second respondent and a response shall be made to the petitioner, within a period of two weeks from the date of receipt of the request made by the petitioner. The petitioner shall annex a copy of this order while making the representation before the second respondent.

7. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Sub-Registrar,
Aruppukottai.

2.The Official Receiver,
District Cour,
Srivilliputtur,
Virudhunagar District.

+1 CC to M/s.V.SINGAN, Advocate (SR-16891[F] dated 21/04/2021)

+1 CC to M/s.SPL GP (SR-16971[F] dated 21/04/2021)

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