



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .Nos.19483 and 19484 of 2021

W.P. (MD) .No.19483 of 2021

K.Vivekanandhan

... Petitioner

Vs.

1.The Sub Registrar,
Velliyanai,
Karur Taluk, Karur District.

2.The Executive Officer,
Sri Alayapradhana Ranganathasami Devasthanam,
Karur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to register the sale deed presented by the petitioner with regard to his property in Plot No.81 in S.No.197/3, Yemmur Village, Thanthoni Union, Karur District.

For Petitioner	:	Mr.A.Srinivasan
For R-1	:	Mr.D.Ghandiraj, Special Government Pleader.
For R-2	:	Mr.M.Saravanan

W.P. (MD) .No.19484 of 2021

R.Sridharan

... Petitioner

Vs.

1.The Sub Registrar,
Velliyanai,
Karur Taluk, Karur District.

2.The Executive Officer,
Sri Alayapradhana Ranganathasami Devasthanam,
Karur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to register the sale deed presented by the petitioner with regard to his property in Plot No.82 in S.No.197/3, Yemmur Village, Thanthoni Union, Karur District.

For Petitioner	:	Mr.A.Srinivasan
For R-1	:	Mr.D.Ghandiraj, Special Government Pleader.
For R-2	:	Mr.M.Saravanan



COMMON ORDER

W.P(MD).No.19483 of 2021 has been filed in the nature of Mandamus seeking a direction against the first respondent / The Sub Registrar, Velliyanai, Karur Taluk, Karur District to register the sale deed presented by the petitioner with respect to Plot No.81 in Survey No.197/3, Yemmur Village, Thanthoni Union, Karur District. W.P(MD).No.19484 of 2021 has been filed for a similar relief but with respect to Plot No.82.

2. The petitioner in W.P(MD).No.19483 of 2021, K.Vivekanandhan and the petitioner in W.P(MD).No.19484 of 2021, R.Sridharan, as aforesaid had filed the two Writ Petitions in the nature of Mandamus seeking directions as stated above for registration of two separate sale deeds with respect to Plot Nos.81 and 82 presented by them before the first respondent for registration. It is claimed that the said plot numbers are situated in Survey No.197/3 in Yemmur Village, Thanthoni Union, Karur District.

3. Learned counsel for the petitioners claimed that the said properties have been subjected to various encumbrances right from the year 2010 onwards and several sale deeds have been registered by the very same Sub Registrar and therefore, refusal or denial to register the sale deeds presented for registration, will necessarily have to be interfered with by this Court and a direction should be given to the Sub Registrar to take the documents on record and register the two sale deeds. It is also claimed by the learned counsel for the petitioners that only if there is deficiency in the stamp duty or in the registration fees paid, can any objections be raised by the Sub Registrar. But since the sale deeds have been presented in manner known to law, an obligation is placed on the first respondent to register the sale deeds.

4. Heard Mr.A.Srinivasan, learned counsel for the petitioners, Mr.D.Ghandiraj, learned Special Government Pleader who takes notice for the first respondent and Mr.M.Saravanan, learned counsel who takes notice for the second respondent.

5. Mr.D.Ghandiraj, learned Special Government Pleader, however, pointed out that the properties involved in Plot Nos.81 and 82, form part of the Survey No.197/3 which is a part of larger area and belongs to Sri Alayapradhana Ranganathasami Devasthanam . It is stated that, therefore, the Sub Registrar was within his right to refuse the registration of the two sale deeds.

6. Mr.M.Saravanan, learned counsel for the second respondent / the Executive Officer, Sri Alayapradhana Ranganathasami Devasthanam further pointed out that even pending the Writ Petitions, the Tahsildar was requested to conduct a field inspection over the lay of the lands particularly with respect to Plot Nos. 81 and 82. It is stated that the said plots are actually in Survey



No.197/1 and not in Survey No.197/3. Learned counsel stressed that the said lands in the aforesaid Survey number belongs to the temple.

7. In view of the fact that a decision will have to be taken whether Plot Nos.81 and 82 actually lie in Survey No.197/1 or in Survey No.197/3 and further whether the said lands, actually belong to Sri Alayapradhana Ranganathasami Devasthanam and to further examine how prior sale deeds have been executed in the said survey numbers, it is only appropriate that the parties are relegated to the Sub Registrar / the first respondent herein who must take a decision and pass an order whether to register or refuse to register the sale deeds. The first respondent cannot keep the documents pending on his desk without taking any decision.

8. The first respondent may invite the second respondent / the Executive Officer of Sri Alayapradhana Ranganathasami Devasthanam to file their objections and if objections are filed, may pass an order either registering the documents or refusing to register the documents. The petitioners are permitted to bring to the notice of the Sub Registrar the fact that earlier several sale deeds have been registered with respect to the said survey number and therefore insist upon the Sub Registrar that the said documents must also be registered. It is for the Sub Registrar to take a decision in manner known to law. I hope that the Sub Registrar would take such a decision without any delay and also before taking such decision, give necessary opportunity to both the petitioners and to the Executive Officer of Sri Alayapradhana Ranganathasami Devasthanam either in person or through their respective legal counsels to present their respective stands.

9. In view of the same, a Mandamus cannot be issued. But in view of the above observations, an obligation is placed on the first respondent to act in manner known to law. The Writ Petitions are dismissed. But still the obligation on the first respondent has to be discharged by the first respondent in manner known to law. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

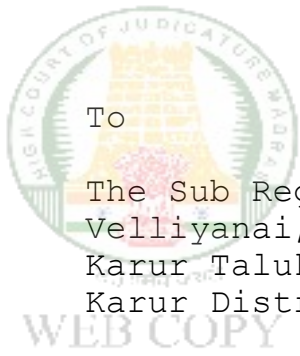
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/ /2022

Sub Assistant Registrar(CS)

Lm

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

The Sub Registrar,
Velliyanai,
Karur Taluk,
Karur District.

+1 CC to M/s.P.VINOTH, Advocate (SR-40115[F] dated 23/12/2021)

+2 CC to M/s.A.SRINIVASAN, Advocate (SR-40155[F] dated 23/12/2021)

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SK (CO)

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