



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.19520 of 2021

WEB COPY

Velrajan

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.

2.Arulmigu Sankaranarayasamy Temple,
Represented by its
The Assistant Commissioner/Executive Officer,
Sankarankovil,
Tenkasi District.

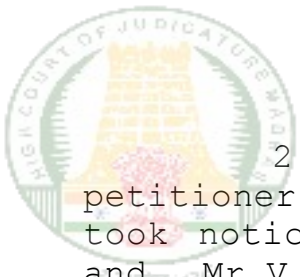
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Refusal Check Slip in Refusal Number:RFL/Sankarankovil/29/2021 dated 06.09.2021 issued by the first respondent and quash the same as illegal and consequently direct the first respondent to register the document submitted by the petitioner with regard to Plot No.22, Old Door No.310-1, New Door No.1056 in NGO "B" Colony in Natham Survey No.439A/1A1A, Re-Survey Nos.618 and 619, New Re-Survey No.619/12 situated in Kalappakulam Village, Sankarankovil Taluk, Tenkasi District within a time frame fixed by this Court.

For Petitioner	: Mr.R.J.Karthick
For R-1	: Mr.J.John Rajadurai Government Advocate
For R-2	: Mr.V.R.Shanmuganathan

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the refusal check slip issued by the first respondent/the Sub Registrar, Sankarankovil, Tenkasi District refusing to register a sale deed presented by the petitioner in his capacity as purchaser with respect to the land in Plot No.22, Old Door No.310-1, New Door No.1056 in NGO "B" Colony in Natham Survey No.439A/1A1A, Re-Survey Nos.618 and 619, New Re-Survey No.619/12 situated in Kalappakulam Village, Sankarankovil Taluk, Tenkasi District.



2.Heard Mr.R.J.Karthick, learned counsel for the petitioner, Mr.J.John Rajadurai, learned Government Advocate who took notice on behalf of the first respondent/the Sub Registrar and Mr.V.R.Shanmuganathan, learned counsel for the second respondent/Arulmigu Sankaranarayasamy Temple represented by the Assistant Commissioner/Executive Officer, Sankarankovil, Tenkasi District.

3.I do not find fault with the first respondent raising objections particularly because he was under an impression that the lands which had been shown in the schedule to the sale deed presented for registration might or might not be vested with the second respondent. Therefore, it is only appropriate that he would call upon the parties to examine and clear up that particular issue.

4.Today/30.11.2021, Mr.V.R.Shanmuganathan, learned counsel for the second respondent had presented instructions in writing wherein it had been informed that the second respondent Temple, originally owned lands measuring more than 13.58 acres in Survey No.619. Subsequently, a substantial portion of that particular land measuring 8.85 acres had been sold to a particular society and the second respondent/the Assistant Commissioner representing the Temple had also issued No Objection Certificate with respect to any further transaction relating to the said 8.85 acres.

5.A survey was conducted in the presence of recognized surveyors to identify the land primarily the entire 13.58 acres of the Temple, the 8.85 acres sold by the Temple to the Society and also the land of the petitioner which he claims that he had purchased from the Society. The result of the survey had been stated in the written instructions forwarded by Mr.V.R.Shanmuganathan, learned counsel for the second respondent. A sketch had also been given.

6.I hold that it would only be appropriate that the sketch is also annexed to this order. In that sketch, the yellow marked portion is now retained by the Temple. The small pink with the black mark is the land now intended to be purchased by the petitioner herein. It is claimed that it is quite far away from the land of the Temple and that the second respondent can therefore have no objection whatsoever in that land being conveyed to the petitioner herein.

7.In view of the categorical statement, I would direct the first respondent to receive the sale deed which had been refused to register, re-examine the entire issue and thereafter,



to proceed further in manner known to law provided that documents are otherwise in order with respect to stamp duty and registration charges.

8.This Writ Petition is allowed with the aforesaid direction to the first respondent to examine the sale deed whenever presented by the petitioner herein within a period of ten (10) working days from the date when it is again presented by the petitioner.

9.Let the petitioner present the documents after going through the normal procedure of online application of presentation of such documents. The petitioner may also take advantage of this order and furnish a copy of this order to the first respondent/the Sub Registrar.

10.This Writ Petition is allowed on the above terms. There shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/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

Encl: Sketch

The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-36769[F] dated 01/12/2021)

W.P(MD)No.19520 of 2021
30.11.2021

SK(CO)

SP(08-12-2021)-3P 3C
<https://hcservices.ecourts.gov.in/hcservices/>