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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.868 of 2022

A.Indiraneela

...Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai 600 028
2. The Sub Registrar,
Office of the Sub Registrar Keelarajakularaman,
Rajapalayam, Virudhunagar District
3. The State Bank of India,
Rep. by its Branch Manager,
CB Rajapalayam,
381A, Singarajakottai Street,
Sankarankovil Road,
Rajapalayam 626 117

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in his check slip in Refusal Number/RFL/Keelarajakularaman/64/2021 dated 30.09.2021 and to quash the same and consequently direct the first respondent herein to issue appropriate direction to the second respondent entertain and to receive and register the instruments presented by the petitioner such as Settlement Deed, Sale Agreement, Sale Deed and any other instruments in respect of the Lands to an extent of 0.18.22 hectares (45 cents) comprised in Punjai S.No.1669/2A2 situated in Keelarajakularaman Post, Rajapalayam, Virudhunagar District without insisting fresh No Objection Certificate from the third respondent.



For Petitioner : Mr.M.Rajasekhar

For Respondents

R1 & 2 : Mr.Yogesh Kannadasan,
Special Government Pleader

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ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in his check slip in Refusal Number/RFL/Keelarajakularaman/64/2021 dated 30.09.2021 and to quash the same and consequently direct the first respondent herein to issue appropriate direction to the second respondent to entertain and receive and register the instruments presented by the petitioner such as Settlement Deed, Sale Agreement, Sale Deed and any other instruments in respect of the Lands to an extent of 0.18.22 hectares (45 cents) comprised in Punjai S.No.1669/2A2 situated in Keelarajakularaman Post, Rajapalayam, Virudhunagar District without insisting fresh No Objection Certificate from the third respondent.

2. Heard, Mr.M.Rajasekhar, the learned counsel for the petitioner, and Mr.Yogesh Kannadasan, Special Government Pleader appearing for respondents 1 & 2.

3. The petitioner's husband and other partners availed loan from the third respondent mortgaging the title deeds pertaining to the property comprised in survey Nos.774, 775, 1669/1A and 1669/2A situated at Vembakottai, Virudhunagar District. The title deeds pertain to the lands comprised in survey No.1669/2A belong to her husband and it was also mortgaged with the third respondent as additional security. The said property has been sub-divided into survey No.1669/2A2. The entire loan was liquidated from out of the auction sale of properties comprised in survey Nos.774 and 775. After the auction sale, her husband requested the third respondent to return the original deeds mortgaged in respect of the property comprised in survey No.1669/2A. However, pending the said request, her husband died on 02.07.2019 leaving behind the petitioner and two daughters as his legal heirs. Thereafter, joint patta was issued in respect of the subject property under patta No.9992 dated 24.10.2020. Thereafter, the petitioner intended to settle the said property in favour of her younger daughter and approached the third respondent for return of original title deed pertains to the property comprised in survey No.1669/2A. However, the third respondent has given No Objection Certificate on 29.09.2020 stating that credit facilities availed by M/s.Sri Murugan Spinning Mills had already been liquidated and no outstanding dues against the Unit and its partners.



4. In pursuant to the said No Objection Certificate, the petitioner had executed settlement deed in favour of her younger daughter on 30.09.2021 and presented for registration before the second respondent. However, the second respondent rejected by the impugned check slip for the reason that the petitioner failed to produce parent document and for production of No Object Certificate from the third respondent.

5. On perusal of the No Objection Certificate issued by the third respondent dated 29.09.2020, credit facilities availed by M/s.Sri Murugan Spinning Mills have already been liquidated and the third respondent has no outstanding against the said Unit and its partners. Therefore, the request made by the petitioner for the original parent title deeds is under process and in the meanwhile, the third respondent has no objection to enable the legal heirs of the petitioner's husband i.e. the petitioner and her two daughters to sell / mortgage or otherwise of the subject property.

6. In view of the above, the impugned check slip dated 30.09.2021 is set aside. The petitioner is directed to represent the settlement deed for registration along with the certified copy of the parent title deed in respect of the property comprised in survey No.1669/2A situated at Keelarajakularaman Post, Rajapalayam, Virudhunagar District to an extent of 0.18.22 hectares and the No Objection Certificate from the third respondent for registration before the second respondent and on receipt of the same, the second respondent is directed to register and release the same forthwith, if it is otherwise in order.

7. With the above directions, this writ petition is allowed. No order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai 600 028.
 2. The Sub Registrar,
Office of the Sub Registrar Keelarajakularaman,
Rajapalayam, Virudhunagar District.
 3. The Branch Manager,
The State Bank of India,
CB Rajapalayam,
381A, Singarajakottai Street,
Sankarankovil Road,
Rajapalayam 626 117.
- +2ccs to Mr.M.Rajasekhar, Advocate, S.R.No.4431,4502
+1cc to the Government Pleader, S.R.No.4765

WP.No.868 of 2022

SJ[co]
NSK 09/02/2022