



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.2198 of 2022

S.Neelavathi

..Petitioner

Versus

1. The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai.
 2. The District Registrar,
Tiruppur,
Tiruppur District.
 3. The Sub Registrar,
Kangayam,
Tiruppur District.
 4. The Executive Officer,
Mada Vilagam Sree Aruithra Kabeelaswar Thirukovil,
Kangyam,
Tiruppur District.
- ..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of order dated 10.12.2021 vide proceedings in RFL/ Kangayam/ 149/ 2021 on the file of 3rd respondent and quash the same and directing 3rd respondent to register and release the settlement deed dated 9.12.2021 to the petitioner within time bound manner.

For Petitioner	: Mr. K.Myilsamy
For Respondents 1 to 3	: Mr.Yogesh Kannadasan Special Government Pleader
For Respondent 4	: Mr.K.Karthikeyan Government Advocate

O R D E R

The present writ petition has been filed for quashing the order dated 10.12.2021 vide proceedings in RFL/ Kangayam/ 149/ 2021 on the file of 3rd respondent and directing 3rd respondent to register and release the settlement deed dated 9.12.2021 to the petitioner within time bound manner.



2. The case of the petitioner is that the agricultural land measuring to an extent of 1.55 ½ acres and cents comprised in S.Nos. 419/1, 419/3, 419/4, 416/12, 420/1 originally belongs to one Kolandaisamy by virtue of registered partition deed dated 29.06.1914. Subsequently, several documents were executed between his legal heirs and got registration before the Third Respondent. At last, the subject matter property was allotted to the share of one Subramani, who is the husband of the Petitioner by virtue of registered Partition Deed. Out of love and affection, he settled the subject matter property in favour of his wife, who is the Petitioner herein through settlement deed. Settlement deed was presented before the Third Respondent for registration, which was refused vide refusal check slip, wherein no reason was assigned, but only citing Government/HR & CE, it was refused. The impugned order was passed in total violation of our Honourable Court Judgment reported in 2017 (3) CTC 135 wherein it was held that enquiry has to be conducted. However, no enquiry is conducted as on date. Hence, aggrieved over the same, the Petitioner has filed this Writ Petition.

3. The learned counsel for the petitioner made a submission that before passing the impugned order, the 3rd respondent ought to have issued notice to the petitioner as well as the 4th respondent temple, after which, the 3rd respondent has to pass necessary orders. From the year 1914 to till date, the petitioner and his predecessor are in continuous possession of the subject property. Without considering all these facts, the 3rd respondent has mechanically rejected the claim made by the petitioner. Hence, this Court may quash the impugned order passed by the third respondent and remand the matter back to the third respondent.

4. The learned Special Government Pleader appearing for the respondents did not dispute the facts of the case and fairly submitted that this Court may issue a direction to the 3rd respondent, after hearing the petitioner as well as the 4th respondent/HR & CE Department, to conclude the proceedings.

5. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing on behalf of the respondents, and perused the materials available on record.

6. Consider the facts and circumstances of this case as well as the submissions made by the Learned counsel appearing on either side, this Court, without going into the merits of the matter, remands the matter back to the third respondent and passes the following orders :-

'This court directs the 3rd respondent/Sub-Registrar, to hear the petitioner as well as the 4th respondent /HR & CE Department and after enquiry, pass appropriate orders on merits and in accordance with law, within a period of twenty four weeks from the date of receipt of a copy of this order.'



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7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

nti/rli

To

1. The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai.
2. The District Registrar,
Tiruppur,
Tiruppur District.
3. The Sub Registrar,
Kangeyam,
Tiruppur District.
4. The Executive Officer,
Mada Vilagam Sree Aruithra Kabeelaswar Thirukovil,
Kangyam,
Tiruppur District.

+1cc to Mr.K.Myilsamy, Advocate SR. No.9078

+1cc to Government Pleader SR. Nos.9289 & 9553

W.P. No.2198 of 2022

NRL (CO)

PR (25/02/2022)