



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.1012 of 2022

B.Maya

... Petitioner

Vs

1.State Represented by

The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai 600 028

2.The Sub Registrar,

Office of the Sub Registrar Pollachi,
Pollachi

3.A/m.Subramania Swamy Thirukoil

Represent by its Executive Officer,
HR&CE Department,
Pollachi, Coimbatore District

... 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/Pollachi/ 32/2021 dated 28.12.2021 and to quash the same and consequently direct the second respondent herein to entertain and to register the instruments, such as Settlement Deed, Sale agreement, Sale Deed and any other instruments in respect of the lands to an extent of 2935 sq.ft. comprised in S.No.15B/2A2, Sub divided into S.No.15B/2A2A1 situated in A.Sangampalayam Village, Achipatti Panchayat, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.M.Rajasekhar

For Respondents

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

For R3 : Mr.S.Yashwanth,
Additional Government Pleader (HR&CE)

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/Pollachi/ 32/2021 dated 28.12.2021 and to quash the same and consequently



direct the second respondent herein to entertain and to register the instruments, such as Settlement Deed, Sale agreement, Sale Deed and any other instruments in respect of the lands to an extent of 2935 sq.ft. comprised in S.No.15B/2A2, Sub divided into S.No.15B/2A2A1 situated in A.Sangampalayam Village, Achipatti Panchayat, Pollachi Taluk, Coimbatore District.

2. Heard Mr.M.Raja Sekhar, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, Special Government Pleader appearing for respondents 1 & 2, and Mr.S.Yashwanth, Additional Government Pleader(HR&CE) appearing for the third respondent.

3. The petitioner's vendor's vendor owned a property comprised in S.F.No.1/1, 1/2A, 15A and 15B2 situated at A.Sangampalayam Village, Pollachi Taluk and the property comprised in Survey No.98/A2 situated at Solanur Village, Pollachi Taluk. She applied for Patta under Section 8(1) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari Act) and the Settlement Officer by an order dated 11.11.1968 rejected her application for issuance of Ryotwari Patta and issued Patta in favour of the third respondent.

4. However, it was challenged in C.M.A.No.334 of 1969, before the learned Inam Abolition Tribunal, Coimbatore and by an order dated 15.03.1972, it was allowed, holding that the subject lands were non-Ryotwari lands and the petitioner's vendor's vendor was entitled for Patta. Accordingly, the Patta issued in favour of the third respondent was cancelled and Patta was issued in favour of the petitioner's vendor's vendor. However, the third respondent filed appeals before this Court and this Court confirmed the order passed by the Inam Abolition Tribunal.

5. The third respondent also filed a suit in O.S.No.187 of 1990 on the file of the Sub-Court, Udumalpet, for declaration of title in their favour in respect of the subject property. Pending suit, the said property was purchased by Pollachi Town Co-operative Building Society Limited by the registered sale deed, dated 05.07.1995 registered vide Document No. 3797 of 1995. The said society had developed the entire property and divided into 100 house site plots after getting approval from the Director of Town and Country Planning in R.C.No.8061/1999LA3, dated 04.05.2000. The society sold out the house plots to various purchasers in which the house plots were purchased by the petitioner to an extent of 2935 sq.ft. comprised in S.No.15B/2A2 situated in A.Sangampalayam Village, Achipatti Panchayat, Pollachi Taluk, Coimbatore District. The petitioner was also issued Patta.

6. In the meanwhile, the said suit filed by the third respondent was dismissed by the Judgment and Decree, dated



30.04.1999. Aggrieved by the same, the third respondent preferred an appeal in A.S.No.153 of 1999 on the file of the Learned Principle District Judge, Coimbatore and the same was dismissed by the Judgment and Decree, dated 13.01.2000. The third respondent, also filed second appeal in S.A.No.2137 of 2001 as against the Judgment and Decree passed in A.S.No.153 of 1999 and the same was also dismissed on 21.12.2001.

7. Aggrieved by the same, the third respondent also filed Special Leave Petition before the Hon'ble Supreme Court of India in SLP No.6395 of 2016 and the Hon'ble Supreme Court of India dismissed the same by an order dated 18.07.2016. In fact, the third respondent also filed a review petition and the same was also dismissed on 17.09.2019. In fact, when the petitioner presented the sale agreement for registration before the second respondent and the same was returned for the reason that the third respondent filed protest petition, not to register any document in respect of the subject property for the reason that the third respondent filed review petition and it is pending.

8. Thereafter, the petitioner intended to settle the property in favour of her husband and executed a settlement deed on 28.12.2021 and presented the same for registration before the second respondent. However, the second respondent issued the impugned Cheque Slip, dated 28.12.2021 for the reason that the subject property stood in the name of the third respondent.

9. As stated above, already the third respondent had lost up to the Hon'ble Supreme Court of India in respect of the title over the subject property. Therefore, there is absolutely no impediment for the second respondent to register the settlement deed executed by the petitioner herein.

10. In view of the above, the impugned Cheque Slip in Refusal Number/RFL/Pollachi/ 32/2021 dated 28.12.2021 is hereby quashed. The petitioner is directed to re-present the present sale deed and other documents for registration and the second respondent is directed to register and release the same.

11. In the result, this writ petition stands allowed. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

lok



To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai 600 028

2.The Sub Registrar,
Office of the Sub Registrar Pollachi,
Pollachi

3.Executive Officer,
A/m.Subramania Swamy Thirukoil
HR&CE Department,
Pollachi, Coimbatore District

+1cc to Mr.M.Raja Sekhar, Advocate, S.R.No.5365
+1cc to the Special Government Pleader(HR & CE), S.R.No.5812
+1cc to the Government Pleader, Advocate,Sr.No.6043 [28/04/2022]

WP.No.1012 of 2022

CP(CO)
SB(09/02/2022)