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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6764 & 6766 of 2022
W.M.P.Nos.6843 & 6845 of 2022

1.D.Rajasekar
2.D.Kuppu Ammal ... Petitioners in both W.Ps

Vs.

- 1.The Inspector General of Police,
CBCID, Guindy,
Chennai - 600 032.
- 2.The District Collector,
Thiruvallur - 602 001.
- 3.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
- 4.The District Registrar,
Chennai South,
Integrated Building of Offices of the Commercial Taxes
and Registration Department,
Nandanam Fanepet,
Chennai - 600 035.
- 5.The Sub-Registrar,
Avadi,
Chennai - 600 054. ... Respondents in both W.Ps

Prayer in W.P.No.6764 of 2022: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the Impugned Orders in Appeal No.10798/A2/2021, both dated 24.09.2021 passed by the respondent no.4 and quash the same as being arbitrary and in contravention of the provisions of the Registration Act, 1908 and its allied rules and consequently direct the respondent nos.1 & 2 to provide the 'No Objection Certificate' pursuant to



Circular No.30362/AR3/2010 dated 30.08.2010 issued by respondent no.3.

Prayer in W.P.No.6766 of 2022: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent no.5 to register the Sale Deed No.P303/2013 and P304/2013.

For petitioners : M/s.Deepika Murali
(in both W.Ps)

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
(in both W.Ps)

COMMON ORDER

The petitioner has filed this petition to issue a writ of Certiorarified Mandamus to call for the records of the Impugned Orders in Appeal No.10798/A2/2021, both dated 24.09.2021 passed by the respondent no.4 and quash the same as being arbitrary and in contravention of the provisions of the Registration Act, 1908 and its allied rules and consequently direct the respondent nos.1 & 2 to provide the 'No Objection Certificate' pursuant to Circular No.30362/AR3/2010 dated 30.08.2010 issued by respondent no.3 and to direct the fifth respondent to register the Sale Deed No.P303/2013 and P304/2013.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioners is that the petitioners bought a housing plot at Morai Village, measuring 12,000 Sq.ft on 25.06.2013. The first petitioner had bought 6000 Sq.ft of land bearing Old Survey No.508/3A2, New Survey No.508/25, Plot no.45 having temporary No.P303/2013 and the second petitioner had bought 6000 Sq.ft of land bearing Old Survey No.508/2, New Survey No.508/2A1B, Plot No.45 having temporary No.P304/2013. In order to register the Sale Deeds, petitioners have submitted the documents before the respondents, and the same was kept pending. Hence, the petitioners had filed a petition before this Court in W.P.No.17914 of 2020, and the same was disposed off by order dated 11.12.2020, directing the fifth respondent to immediately register the document, if it is in order. Alternatively,



communicate reasons for refusal to register, if any. Pursuant to the above direction, fifth respondent had issued a letter dated 19.02.2021, stating that petitioners should obtain a 'No Objection Certificate' from the first and second respondent. Thereafter, petitioners have made several representations to first and second respondents to grant 'No Objection Certificate' (in short 'NOC'), and the same was denied. However, the fifth respondent by order dated 16.08.2021, refused to register the document on the ground that, petitioner's have not obtained 'NOC'. Aggrieved by the same petitioners filed an appeal before the fourth respondent, and the same was dismissed by the fourth respondent by order dated 24.09.2021. Challenging the same, the present Writ Petition has been filed by the petitioners for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court may grant liberty to petitioners to obtain 'No Objection Certificate' from the respective authorities and after obtaining 'No Objection Certificate' petitioners may be permitted to present document for registration.

5. The learned Special Government Pleader appearing for the respondents submits that the petitioner's representation will be considered by the respondents, within the time frame that may be fixed by this Court, if petitioner's obtain 'No Objection Certificate' from the respective authorities.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, liberty is granted to the petitioner to obtain 'No Objection Certificate' from the respective authorities, thereafter present the document for registration. If such a document is presented with 'No Objection Certificate' the Revenue authorities are directed to consider the petitioner's representation and pass appropriate orders without interfering order passed by the authorities.

7. Accordingly, these writ petitions are disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



tri/nhs

To

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- 1.The Inspector General of Police,
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- 2.The District Collector,
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and Registration Department,
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Chennai - 600 035.
- 5.The Sub-Registrar,
Avadi, Chennai - 600 054.

+2cc to M/s.Deepika Murali, Advocate Sr.19364
+1cc to the Government Pleader Sr.20398, 20373

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srg 08/04/2022