



W.P(MD)No.20701 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.6849 & 6850 of 2022

and

WMP(MD)Nos.5267 & 5268 of 2022

Kiruthiga ... Petitioner in WP(MD)No.6849 of 2022

Thangapandi ... Petitioner in WP(MD)No.6850 of 2022

vs.

1.The State of Tamil Nadu,
Rep.by the Principal Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Ellis Nagar Scheme, Madurai.

3.The District Registrar,
Madurai South District Registration Office,
Madurai.

4.The Sub Registrar,
Office of the Arasaradi Sub Registrar,
Arasaradi, Madurai.

... Respondents in both cases



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COMMON PRYAER : 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 pertaining to the impugned order dated 08.03.2022 under Refusal Nos.RFL/Arasaradi/1/2022 & RFL/Arasaradi/2/2022 on the file of the fourth respondent refusing to register the petitioners' gift settlement deed dated 07.03.2022 and quash the same as illegal and arbitrary and further direct the fourth respondent to register the gift settlement deed dated 07.03.2022 executed by the petitioners.

For Petitioners : Mr.S.Loganathan

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader for R1, R3 & R4

Mr.R.Sivakumar for R2

COMMON ORDER

Heard the learned counsel on either side.

2.Kiruthiga, the wife of Mr.Thangapandi purchased the petition mentioned property as part of a larger extent on 30.06.2021. A portion of the same was gifted by her in favour of her husband on 12.11.2021. The said gift deed was also duly registered. Kiruthiga wants to gift the remaining extent also in favour of her husband. The settlement deed was presented for registration before the fourth respondent. Mr.Thangapandi, the petitioner's husband wanted



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to settle the portion, that was already settled in his favour, in favour of his father. Both these settlement deeds were presented for registration. The fourth respondent declined to entertain the same and issued the impugned refusal check slips on the ground that they have not obtain NOC from TNHB. The stand of the authorities is that the property in question was originally acquired by TNHB and that the records still indicate as if they are the property of TNHB and that without NOC from TNHB, it is not possible to register the documents in question. Challenging the same, these writ petitions have been filed.

3.The learned counsel appearing for the petitioners drew my attention to the order dated 21.11.2008 in WP (MD)Nos.10608 & 10609 of 2008. The subject matter of the said writ petitions also belonged to the very same survey number which was also the subject matter of acquisition proceedings. The said writ petitions were allowed on the ground that the acquisition proceedings have already been quashed and that therefore, the question of obtaining NOC from the housing board would not arise. The stand of the TNHB is that writ appeals have been filed against the said order. However, I wanted to know the writ appeal numbers. The learned standing counsel states that the writ appeals are at the SR stage. When the writ petitions were allowed on 21.11.2008 and the said order has not been stayed or set aside by the Division Bench, I have to adopt the very same approach taken in WP(MD)Nos.10608 & 10609 of 2008.



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4. In this view of the matter, the impugned refusal check slips are set aside. Both the writ petitions are allowed. The petitioners can very well represent the documents in question before the fourth respondent and the fourth respondent shall entertain the same and register the documents in question forthwith and without any delay subject to the fulfilment of the other usual formalities. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2022

Index : Yes / No
Internet : Yes/ No
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To

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
2. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board, Ellis Nagar Scheme, Madurai.
3. The District Registrar, Madurai South District Registration Office,
Madurai.
4. The Sub Registrar, Arasaradi, Madurai.



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G.R.SWAMINATHAN, J.

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