



W.P.No.6439 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6439 of 2023
and W.M.P.No.6475 of 2023

1.A.J.Jamal Ashraf
2.Noorul Maharifa

...Petitioners

Vs

1.The Sub-Registrar,
Sub-Registrar Office,
Selaipur, Chennai.

2.The Sub-Registrar,
Sub-Registrar Office,
Kilakarai,
Ramanathapuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent culminating in issuing the impugned notice bearing No.Na.Ka.33/2022 dated 09.12.2022 and to quash the same and consequentially directing the second respondent to release the pending Document No.72 of 2021 after allotting main document number to the



W.P.No.6439 of 2023

subject settlement deed dated 26.10.2021.

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For Petitioners : Mr.M.Suresh

For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

The order impugned dated 09.12.2022 reveals that one Mr.S.Nagamani, Sub-Registrar, Kilakarai had addressed a letter to the Sub-Registrar, Selaiyur, South Chennai. It is purely a inter-departmental communication between the two Sub-Registrars of the Registration Department. Such internal communication would not provide a cause for the writ petitioners. A copy was communicated to the petitioner. The order impugned reveals that the second respondent had asked the first respondent to complete the enquiry and submit a report enabling the second respondent to initiate further action with reference to the pending Document No.72/2021. The grievance of the writ petitioners is that the Sub-Registrar, Selaiyur, South Chennai has not submitted any such report nor the settlement deed registered by the petitioners were released. Thus the writ



W.P.No.6439 of 2023

petition is filed.

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2.The learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court that the subject property was originally allotted to the Tamil Nadu Secretariat Typists and Stenographers Co-operative House Site Distribution Society. It is a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act. The Secretariat employees working in the cadre of Typists and Stenographers are eligible to become members of the Society. House sites were allotted to the Secretariat staffs through the Co-operative Society. The office bearers of the said Society committed serious illegalities and fraud and a criminal case was registered. The President of the said Society Mr.S.Sundar, who was also an employee in the Secretariat was convicted and punishment of seven years imprisonment was awarded along with the fine amount of Rs.35,000/-.

3.The learned counsel for the petitioners states that the President of the Society was convicted and therefore, there is no impediment for releasing



W.P.No.6439 of 2023

the document.

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4.The conviction of the President in a criminal case would not remove the cloud created in the document or title of the property. The Co-operative Society has to issue clearance with reference to the ownership of the property for the purpose of initiating further action. The petitioner has not impleaded the Co-operative Society as a party in the present writ petition. Since the Sub-Registrar, Kilakarai, Ramnathapuram District had already addressed a letter to the Sub-Registrar, Selaiyur, South Chennai, it is suffice if the Sub-Registrar, Selaiyur, South Chennai conducts an enquiry and submit a report to the Sub-Registrar, Kilakarai enabling him to take a decision to release the settlement deed already registered by the writ petitioners.

5.In view of the facts and circumstances, the first respondent, Sub-Registrar, Selaiyur, South Chennai is directed to conduct an enquiry and submit a report to the concerned Sub-Registrar enabling him to take a decision for the purpose of releasing the settlement deed registered by the petitioners. The said exercise is directed to be completed within a period of



W.P.No.6439 of 2023

six weeks from the date of receipt of a copy of this order.

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6. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.08.2023

cse

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Sub-Registrar,
Sub-Registrar Office,
Selaiyur, Chennai.

2. The Sub-Registrar,
Sub-Registrar Office,
Kilakarai,
Ramanathapuram District.



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W.P.No.6439 of 2023

S.M.SUBRAMANIAM, J.

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W.P.No.6439 of 2023

28.08.2023