



W.P.No.29009 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29009 of 2023

Mrs.M.I.Haseena

W/o.S.A.Shahul Hameed

... Petitioner

versus

1. The Joint Sub-Registrar-II
District Registrar Cadre
Thousand Lights, 6 KB, Dasan Road
Seetammal Colony, MIG Colony
Alwarpet, Chennai.
2. The Commissioner
Hindu Religious Endowment Board
Nungambakkam High Road
Chennai-600 034.
3. The Executive Officer
Arulmighu Agatheeswara Prasanna Venkateswap Perumal
Temple,
No.11, North Mada Street
Nungambakkam, Chennai-600 034.
4. The Directorate of Vigilance and Anti-Corruption
No.293, MKN Road,
Alandur, Chennai-600 016.

...Respondents

*R4 has been suo-motu impleaded by this Court vide order dated 06.11.2023.

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Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned refusal check slip bearing No.RFL/Chennai Central Joint II/32/2023 dated 07.09.2023 on the file of 1st respondent refusing to register the settlement deed dated 31.08.2023 in TP.No.TP/158591555/2023 and quash the same and consequently, to direct the 1st respondent to register the settlement deed dated 31.08.2023 in TP No.TP/158591555/2023 and release the same.

For Petitioner	:	Mr.S.Vinoth Kumar
For Respondent	:	Mr.V.Veluchamy
		Additional Government Pleader for R1
		Mr.C.Jayaprakash
		Government Advocate (HR&CE) for R2 & R3
		Mr.S.Sugendran
		Additional Public Prosecutor, for R4

ORDER

The writ petition has been filed seeking to quash the impugned refusal check slip dated 07.09.2023 bearing reference No.RFL/Chennai Central Joint II/32/2023 passed by the 1st respondent and consequently, direct the 1st respondent to register the settlement deed dated 31.08.2023 in TP No.TP/158591555/2023 and release the same.



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2. Heard the learned counsel for the petitioner, learned Additional Government Pleader for first respondent, learned Government Advocate (HR&CE) for respondents 2 and 3 and learned Additional Public Prosecutor for fourth respondent.

3. It is seen that the petitioner has presented a settlement deed dated 31.08.2023 for registration before the first respondent after complying all the formalities and paying necessary registration fees and temporary registration number has also been given as TP/158591555/2023. However, the first respondent has suddenly refused to registered the said document and issued refusal check slip dated 07.09.2023 bearing reference No.RFL/Chennai Central Joint II/32/2023 stating that the third respondent herein has issued a letter dated 15.02.2022 to the first respondent not to register any document in respect of some of the survey numbers relating to the subject property and that a writ petition in W.P.No.9336 of 2018 is pending before this Court in respect of the temple property of the third respondent. Challenging the aforesaid refusal check slip, the petitioner has filed the present writ petition before this Court.



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4. On 06.10.2023, when the matter was taken up for hearing, this

Court has directed the respondents to file counter.

5. A counter affidavit dated 03.11.2023 has been filed by the first respondent in the Registry.

6. On a perusal of counter affidavit, it is seen that the first respondent has not stated any reasons as to why the first respondent has registered some of the documents referred to in the survey numbers mentioned in the impugned refusal check slip and as to why the first respondent has refused to register the settlement deed produced by the writ petitioner. This Court is not satisfied with the counter filed by the first respondent and therefore, the refusal check slip passed by the first respondent is unsustainable in the eye of law.

7. Though the learned counsel for the petitioner has stated that petitioner's predecessor vendor obtained a decree, now the petitioner is not in a position to produce the decree before this Court. To be noted, the third



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respondent is not a party to that suit.

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8. This Court directs the Directorate of Vigilance and Anti-Corruption, No.293, MKN Road, Alandur, Chennai-600 016 to conduct the enquiry, register a case against the first respondent, investigate as to how many documents so far have been registered in the survey numbers mentioned in the impugned check slip and file a report before this Court. Hence, This Court suo-motu impleads Directorate of Vigilance and Anti-Corruption, No.293, MKN Road, Alandur, Chennai-600 016 as fourth respondent in the present writ petition. Registry is directed to carry out necessary and consequential amendments in the case file.

9. Since the petitioner has not come up with a clear picture, she is not entitled to the relief sought for in the present writ petition until the issue regarding the ownership of the properties is decided. However, after the report from the impleaded fourth respondent, the writ petitioner is at liberty to work out her remedy in the manner known to law.



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10. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

11. Post the writ petition under the caption 'FOR REPORTING COMPLIANCE' on 08.12.2023.

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Speaking/Non-speaking order

Index:Yes/No

Neutral citation : Yes/No

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Note : Issue order copy on 10.11.2023

To

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District Registrar Cadre
Thousand Lights, 6 KB, Dasan Road
Seetammal Colony, MIG Colony
Alwarpet, Chennai.
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4. The Directorate of Vigilance and Anti-Corruption
No.293, MKN Road,
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P.VELMURUGAN, J.

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