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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.6524 of 2023

G.Malathi

... Petitioner

vs.

The Sub Registrar,
Thiruvaiyaru Sub Registrar Office,
Thanjavur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Check Slip passed by the respondent in RFL/Thiruvaiyaru/Book2/3, dated 08.02.2023 and to quash the same and consequently, to direct the respondent to register the sale deed, dated 17.01.2023 filed by the petitioner.

For Petitioner :Mr.C.Vakeeswaran
For Respondent :Mr.C.Satheesh
Government Advocate



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ORDER

This Writ Petition has been filed in the nature of a Certiorafied Mandamus seeking interference with the check slip issued by the respondent in RFL/Thiruvaiyaru/Book-2/3, dated 08.02.2023.

2.Heard Mr.C.Vakeeswaran, learned Counsel for the petitioner and Mr.C.Satheesh, learned Government Advocate for the respondent.

3.The petitioner had presented a sale deed for registration on 17.01.2023. The said registration related to lands in S.No.147/H2 measuring 0.41.50 ares and lands in respect of S.No.170/1B measuring 0.28. ares and lands in S.No.170/3 measuring 0.04.50 ares to one A.Liyakath Ali.

4.The respondent had issued a refusal check slip claiming that a Writ Petition is pending in W.P.(MD)No.1907 of 2021 as a public interest litigation by one A.Radhakrishnan.



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5.The learned Government Advocate appearing on behalf of the respondent had filed a counter affidavit, wherein, it had been stated that in the aforementioned public interest litigation filed by A.Radhakrishnan in W.P.(MD)No.1907 of 2021, the aforementioned lands have been claimed to be the lands of a public trust, namely, “Sri Annapoorani Dharmachatram and Vedha Padagasalai Trust”. It had been very specifically stated that the Division Bench had stayed registration of all those lands. The annexure of the lands, as given in the Writ Petition, has also been enclosed and it is seen that S.No.147 is also part of the said lands, which is the subject matter of aforementioned public interest litigation.

6.It is therefore seen that this Court cannot grant any relief to the petitioner by directing registration of sale deed relating to land in S.No. 147/H2, since the entire lands in S.No.147 are the subject matter of the Writ Petition in W.P.(MD)No.1907 of 2021. The Writ Petitioner will have to get appropriate relief from that Division Bench and not from this Court.



WEB COPY 7.The Writ Petition stands dismissed. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

12.06.2023

cmr

To

The Sub Registrar,
Thiruvaiyaru Sub Registrar Office,
Thanjavur District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.6524 of 2023

12.06.2023