



W.P.(MD) No.8123 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.8123 of 2020

R.Satheesh Kumar

... Petitioner

/vs./

- 1.The District Collector,
Office of the District Collectorate,
Karur District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Aravakurichi,
Karur District.
- 3.The Tahsildar,
Office of the Tahsildar,
Aravakurichi,
Karur District.
- 4.The Sub Registrar,
Aravakurichi Sub Registrar Office,
SRO Office Street,
Karur District.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,



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No.11 AD, 1st Cross Street,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal order of registration of sale deed by the 4th respondent in Refusal No.RFL/Aravakurichi/22/2019 dated 08.11.2019 and quash the same consequently direct the 4th respondent to register the petitioner's sale deed dated 16.11.2019 pending application on the file of the 4th respondent by considering the representation dated 06.06.2020.

For Petitioner : Mr.D.S.Haroon Rasheed

For R1 to R4 : Mr.M.Prakash
Additional Government Pleader

For R5 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order refusing registration of the sale deed by the fourth respondent in Refusal No.RFL/Aravakurichi/22/2019 dated 08.11.2019, quashing the same and directing the fourth respondent to register the petitioner's sale deed dated



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16.11.2019 pending application by considering the representation dated 06.06.2020.

2.The sale deed that was presented by the petitioner before the fourth respondent had been returned without registering the same by stating that on a perusal of the encumbrance certificate, it shows that the property belonged to the Hindu Religious and Charitable Endowment Board, as it is a temple land. Aggrieved by this rejection without affording an opportunity to the petitioner to state his case, the petitioner is before this Court for the relief stated supra.

3.Even as per the counter filed by the fourth respondent, the reason for the refusal is the endorsement in the encumbrance certificate that the property is the Government land, namely the lands belong to the HR & CE Department.

4.Heard the learned counsels appearing on either side.

5.The fourth respondent before rejecting the document ought to have given an opportunity to the petitioner to put forward his case. Had the fourth respondent



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given the opportunity to the petitioner, the petitioner could have produced the records showing that they have been in possession of the property for ever so many years and that the petitioner had constructed a building in the said property. Without looking into these documents and without verifying the veracity of the claim of the HR & CE, the fourth respondent has refused to register the sale deed.

6.In the light of the above, the Writ Petition is disposed of with a direction to the petitioner to submit the sale deed once again before the fourth respondent with all the relevant documents and the fourth respondent shall consider these documents and pass orders accordingly within a month from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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20.04.2023

To

1.The District Collector,
Office of the District Collectorate, Karur District.

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P.T.ASHA, J.

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