



W.P(MD)No.27722 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27722 of 2022

and

W.M.P.(MD)No.21823 of 2022

1.Sri Lakshmi Narashima Swamy Pooja Dharmam
Private Trust @ Sri Lakshmi Narashima Swamy
Pooja Dharmam Private Trust,
Rep. by its Hereditary Family Co-Trustee,
P.Prashanth Rao.

2.Sri Lakshmi Narashima Swamy Pooja Dharmam
Private Trust @ Sri Lakshmi Narashima Swamy
Pooja Dharmam Private Trust,
Rep. by its Hereditary Family Co-Trustee,
P.Pranesh.

... Petitioners

Vs.

1.The State of Tamilnadu,
Rep., by its Secretary,
Commercial Taxes and Registration Department,
Fort St.George, Chennai - 600 001.

2.The Inspector General of Registration,
Registration Department,
Government of Tamilnadu,
Santhome High Road,
Chennai - 600 028.

3.The District Registrar,
The District Registration Office,
Cutchery Road,



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Kumbakonam - 612 001,
Thanjavur District.

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4.The Sub Registrar - Joint 1,
District Registration Office,
Cutchery Road,
Kumbakonam - 612 001.

5. Shashikala

6.Senthil Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th Respondent pertaining to the order Refusal Check Slip - Refusal No. RFL/Kumbakonam Joint 1/267/2022 dated 17.11.2022 at around 18.01.19 hrs passed by the 4th Respondent, thereby refusing the process of registration and quash the same as illegal and arbitrary and direct the 3rd respondent herein to register the Trust O.P.No.154 of 2004 dated 09.06.2007 on the file of the Court of the Principal District Judge, Thanjavur of which Court denied to permit to alienate / sell the above petitioner Trust properties comprising in the Survey No.21 of ward 3, Block 1 of Kumbakonam Pattanam to the toal extent of 18295 sq. ft., and also the properties comprising in Survey No.6 of ward 3, Block 1 of the Kumbakonam Pattanam to an extent of 4,000/- sq. ft as per the Decretal order schedule mentioned properties in the Trust O.P.No.154 of 2004 as above at once.

For Petitioners : Mr.G.Ravi Shankar

For Respondents : Mr.N.Sateeskumar,
Addl. Government Pleader for R1 to R4.
No appearance for R5 and R6.



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ORDER

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Heard the learned counsel on either side.

2.The petitioner challenges the impugned refusal check slip whereby the fourth respondent returned the order dated 09.06.2007 passed in Trust O.P.No.154 of 2004 on the file of learned Principal District Judge, Thanjavur. The reason stated in the refusal check slip is that it has been filed belatedly. The Hon'ble Division Bench in the decision vide order dated 07.02.2019 in W.A.No.336 of 2019 (S.Sarvothaman Vs. The Sub-Registrar, Oulgaret, Pondicherry-605010.) held as follows:-

“6. The legal question involved in the instant case is as to whether the respondent could have refused registration of the said decree passed in O.S. No.6 of 1968 dated 29.4.1970 on the ground that it was presented beyond the time limit prescribed under Section 23 of the Act. Since the legal question is no longer res integra and the respondent having not taken note of the legal issue, this Court is of the view that said the writ petition is maintainable and the appellant need not be driven to avail the alternate remedy available under the Act. Accordingly, the preliminary objection raised by the learned Additional Government Pleader stands rejected.”



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3.The reasons set out in the impugned refusal check slip is clearly not sustainable. The fourth respondent is directed to register the petition mentioned Court order, if resubmitted.

4.The writ petition is allowed with the aforesaid clarification. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2023

Index : Yes / No
Internet : Yes/ No
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Secretary,
Commercial Taxes and Registration Department,
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G.R.SWAMINATHAN, J.

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