



W.P.(MD) No.25904 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25904 of 2023

Y.Suriya

... Petitioner

Vs.

1.The District Registrar,
District Registrar's Office,
Collectorate,
Karur.

2.The Sub Registrar,
Melakarur,
Karur West, Karur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.01/2023, dated 27.09.2023 quash the same and consequently direct the respondents herein to register the petitioner's sale deed dated 23.09.2023 in T.P/160431987/2023, by considering the representation dated 26.09.2023 within a time frame fixed by this Court.



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For Petitioner : Mr.V.Balaji
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The petitioner wants to purchase the petition mentioned plot. The document was presented for registration by the petitioner and the vendor. The Registering Authority refused to register the document on the ground that the subject matter is hit by an injunction order passed by this Court in W.P.(MD) No.2895 of 2011. To that effect, refusal check slip was also issued. The petitioner challenges the same by pointing out that the injunction order was granted in respect of the Kongu Nagar layout and that the petition mentioned plot is located outside the same. I called upon the petitioner to file an undertaking affidavit to that effect. The petitioner today has filed an undertaking affidavit and it reads as follows:-

“2.I submit that the property in Old.S.No.236, New.S.No. 152/1 of Inam Karur Village to an extent of Ac.2.60 was originally purchased by one P.Vaiyapuri Mudaliar on 07.12.1975 who



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plotted out the same and sold plot No.11 with specific four boundaries on 13.11.1979 under Doc.No.3557 in favour of one S.Palanisamy. The said S.Palanisamy in turn sold the very same property along with buildings and a residential house in favour of one Sumithra Devi on 06.07.1998 under Doc.No.2231 of 1998.

3.I submit that I intended to purchase the above stated residential house along with buildings from the above stated Sumithra Devi and after payment of the entire sale consideration, sale deed was also executed in my favour on 23.09.2023 and the same was presented for registration before the 2nd respondent herein on 23.09.2023.

4.I hereby given an undertaking that my sale deed is does not forms part of the subject matter involved in W.P.(MD) No. 2895 of 2011, which relates to removal of unauthorized developments in the reserved areas of a sanctioned layout plotted in the year 1983 to an extent of Ac.12.97 cents comprised in S.F.Nos.135, 136, 137, 138, 140, 141, 146, 151, 152, 153, 154, 155 and 160 of Inam Karur Town. Whereas my sale deed is in respect of the property in S.No.152/1 and it lies far away from the sanctioned layout and it neither formed part of the sanctioned layout nor forms part of the unauthorized.”



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3.In view of the same, the impugned proceedings are set aside.

The petitioner and the vendor can represent the document before the Registering Authority. It shall be received, registered and released subject to the fulfilment of other usual formalities.

4.The Writ Petition is allowed, accordingly. No costs.

04.12.2023

NCC :No

Internet :Yes

Index :No

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To

1.The District Registrar,
District Registrar's Office,
Collectorate,
Karur.

2.The Sub Registrar,
Melakarur,
Karur West, Karur District.



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G.R.SWAMINATHAN, J.

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