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W.P.No.259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.259 of 2024

A.Gunasekaran

... Petitioner

Versus

1.The District Registrar,
Krishnagiri District, Krishnagiri.

2.The Sub-Registrar,
Hosur Sub-Registrar's Office,
Hosur, Krishnagiri District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip in Refusal No.RFL/Hosur/Book2/8 Registration refused dated 04.01.2021 of the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to admit the sale deed document presented for registration on 07.09.2017 assigned with pending Document No.P.No.136/2017 dated 07.09.2017 forthwith, in the light of the Memorandum in Na.Ka.No.15/2023 dated 20.10.2023 issued by the Special District Revenue Officer (Land acquisition) Office, National Highways No.948A, STRR, Hosur, Krishnagiri District.



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For Petitioner : Mr. G.M. Ananthakumar

For Respondents : Mrs. V. Yamunadevi
Special Government Pleader

ORDER

This Writ Petition is filed, challenging the impugned Refusal Check Slip in Refusal No.RFL/Hosur/Book2/8 dated 04.01.2021 of the second respondent and direct the second respondent to admit the sale deed dated 07.09.2017 presented for registration, which was assigned a temporary document number in Doc.No.P.No.136/2017, dated 07.09.2017, based on the Memorandum in Na.Ka.No.15/2023 dated 20.10.2023 issued by the Special District Revenue Officer (Land Acquisition) Office, National Highways Road, No.948A, STRR, Hosur, Krishnagiri District.

2. The grievance of the petitioner is that the land in S.No.107 of Pathamuthali Village, Hosur Taluk, Krishnagiri District, measuring about Hc.0.92.5 (acre 2.28 cents) was purchased by the petitioner from his predecessors-in-title one Messrs. K. Ravindranath and R. Akhil Krishna. Thereafter, when the sale deed was presented for registration before the second respondent, the second respondent assigned a temporary document



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number in No.P/136/2017. Thereafter, the second respondent sought clarification from the jurisdictional Tahsildar by letter dated 22.08.2017, and the Tahsildar, after calling for report from the Revenue Inspector, dated 01.09.2017, forwarded a letter dated 05.09.2017, wherein, it was stated that the Revenue Records in respect of the said land was standing in the name of one Ramappa, and thereby, it is confirmed that the said land is a Patta land. Even after the said clarification, the second respondent issued the refusal check slip under Section 71 of the Registration Act, which is under challenge in the present writ petition.

3. The learned counsel for the petitioner submitted that, originally a Notification was issued under the Land Acquisition Act. However, the land was not acquired and therefore, the petitioner presented the document for registration in respect of the said land in question, the same was refused by issuing refusal check slip on the ground that the executant had not produced the No Objection Certificate from the competent authority.



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4. Though the learned counsel for the petitioner further submitted that, subsequently, the Special District Revenue Officer for Land Acquisition Officer has sent a communication dated 20.10.2023 that, the subject land is not covered under the acquisition proceedings, however, it is stated by the respondents that the said letter was not communicated to them and there is no record to show that the said letter was communicated to the respondents. Further, the petitioner has not impleaded the said Tahsildar and the Revenue Inspector as parties in this case.

5. The learned Special Government Pleader appearing for the respondents submitted a letter dated 08.01.2024 issued by the Sub-Registrar, Hosur, in which, it is stated that the land was proposed to be acquired and they received a Notification that any document related to the lands covered under the acquisition is not to be registered, Hence, the second respondent refused to register the said document.

6. Further, so far, the petitioner has not obtained “No Objection Certificate” and therefore, this Court does not find any perversity in the



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impugned order of the second respondent. Accordingly, the Writ Petition is dismissed.

7. However, the petitioner is at liberty to work out the remedy in the manner known to law, after obtaining necessary Revenue Records. In case the petitioner complies with the conditions to succeed and presents the document for registration, the respondents shall consider the same.

09.01.2024

Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

klt

To:

1.The District Registrar,
Krishnagiri District, Krishnagiri.

2.The Sub-Registrar,
Hosur Sub-Registrar's Office,
Hosur, Krishnagiri District



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P. VELMURUGAN, J.

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