



W.P. No.5236 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5236 of 2024

and

W.M.P.Nos.5758, 5759 & 5763 of 2024

1.T. Gowtham

2.T. Gokul Krishnan

... Petitioners

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Pattinampakkam,
Chennai – 600 028.

2.The Sub-Registrar,
Nallur, Tiruppur District.

3.The Executive Officer,
A/m. Nallur Visveswaraswami, Visalakshi and
Subramaniaswami Temple,
Nallur, Tiruppur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the refusal check slip in RFL/Nallur_Tiruppur/3/2024 dated



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19.01.2024 passed by the second respondent and quash the same and direct the second respondent to register the Settlement Deed dated 19.01.2024 by the petitioners within the time frame to be stipulated by this Court.

For Petitioner : Mr. W.M. Abdul Majeed

For Respondents : Mr. N.R.R. Arun Natarajan,
Special Government Pleader (H.R.& C.E) (for R3)

: Mr. B. Vijay,
Additional Government Pleader (for R1 & R2)

ORDER

The Writ Petition is filed challenging the refusal check slip in RFL/Nallur_Tirupur/3/2024 dated 19.01.2024, passed by the second respondent and direct the second respondent to register the Settlement Deed dated 19.01.2024 executed by the petitioners, within the time frame to be stipulated by this Court.

2. The learned counsel for the petitioners submitted that the petitioners are the owners of the Punja land admeasuring to an extent of 0.12.14 Hectare (0.30 Acre) comprised in Old S.No.291, New



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S.No.291/2A in Patta No.1025, in Nallur Village, Tiruppur Taluk and

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District. The petitioners had executed a settlement deed in favour of their mother T.Dhanalakshmi and when they presented the said settlement deed for registration before the 2nd respondent, he refused to register the same by way of impugned refusal check slip dated 19.01.2024 based on the objection given by the 3rd respondent/Temple. The contention of the learned counsel for the petitioners is that, without conducting enquiry and giving opportunity, the 2nd respondent has simply passed the impugned refusal check slip based on the objection of the 3rd respondent/temple which is against the Principles of Natural Justice and in also violation of the decision of this Court *in 2017 (3) CTC 135 (Sudha Ravi Kumar Vs. The Special Commissioner & Commissioner, HR&CE Department)*.

3. Mr.B.Vijay, Additional Government Pleader takes notice for the respondents 1 and 2.

4. The Mr. N.R.R. Arun Natarajan, Special Government Pleader (H.R.& C.E) appearing for the 3rd respondent submitted that even as per



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the 'A' Register, the classification of the said land is mentioned as temple

land and suppressing the facts, the petitioners have executed the settlement deed between the family members and therefore, it will not bind the temple.

5. Heard and perused the materials available on record.

6. It is seen that the impugned refusal check slip has been passed without conducting enquiry and giving opportunity to the petitioners. Therefore, the impugned refusal check slip dated 19.01.2024, passed by the 2nd respondent is quashed.

7. The 2nd respondent is directed to issue notice to the petitioners and to the 3rd respondent herein and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of at the admission stage itself. Consequently, the connected Miscellaneous Petitions in W.M.P.Nos.5759 & 5763 of 2024 are also closed. The



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W.M.P.No.5758 of 2024 is ordered subject to payment of separate Court

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fee by each of the Writ Petitions.

9. There shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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- 1.The Inspector General of Registration,
Santhome High Road,
Pattinampakkam,
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Nallur,
Tiruppur District.
- 3.The Executive Officer,
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