



WEB COPY



WP.No.9510 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9510 of 2024

R.R.Devamanohari

.. Petitioner

Versus

1.The Inspector General of Registration
Santhome High Road
Pattinapakkam, Chennai

2.The District Registrar
Tiruppur, Tiruppur District

3.The Sub Registrar Joint No.2
Tiruppur, Tiruppur District

4.The Executive Officer
Arulmigu Vishwarasamy and Veerarangava Temple
Tiruppur, Tiruppur District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of order dated 05.09.2023 vide Proceedings in RFL/2 Joint Sub Registrar Tiruppur/8/2023 on the file of the 3rd respondent and quash the same and direct the 3rd respondent to register and release the discharge receipt dated 04.09.2023 to the petitioner.

For Petitioners : Mr.K.Myilsamy
For Respondents : Mr.Yogesh Kannadasan for R1 to R3
Special Government Pleader
Mr.N.R.R.Arun Natarajan for R4
Special Government Pleader



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ORDER

WEB COPY Challenge has been made to the refusal check-slip issued by the third respondent in registering the discharge receipt dated 04.09.2023.

2. It is the case of the writ petitioner that in the year 1966 itself Ryotwari Patta has been granted in favour of the predecessor in title. Thereafter, the property is sold in the year 2011 and the property has been dealt, mortgage deed is also executed in favour of the Canara Bank. When the loan amount is paid and the discharge receipt is sought to be registered, at this stage, on the basis of the so-called objection given by the temple authorities, the same has been refused to be registered.

3. Heard both sides and perused the entire materials placed on record.

4. At the outset, the issuance of Ryotwari Patta in the year 1966 is not disputed by the learned Special Government Pleader (HR&CE). His only concern is that whether the fair rent has been paid or not. Be that as it may, what is sought to be registered is only the discharge receipt and not with regard to the transfer of the property.



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5. Such view of the matter, this Court is of the view that the registering ought not to have rejected the registration of the discharge receipt. If at all the temple has the right over the property, it is for the temple authorities to proceed in the manner known to law.

6. Accordingly, the impugned order is set aside and the third respondent is directed to register the discharge receipt dated 04.09.2023 within a period of 15 days from the date of receipt of a copy of this Order.

7. In view of the above, this writ petition stands allowed. No costs.

08.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1.The Inspector General of Registration
Santhome High Road
Pattinapakkam, Chennai

2.The District Registrar
Tiruppur, Tiruppur District

3.The Sub Registrar Joint No.2
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<https://www.mhc.tn.gov.in/jedis>



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N. SATHISH KUMAR, J.

dhk

4.The Executive Officer
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