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W.P.No.11729 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.11729 of 2024

K.Nallathambi

... Petitioner

Vs.

1.The District Collector
O/O.The District Collector,
Namakkal.

2.The Sub Registrar
O/O.The Sub Registrar, Paramathi,
Namakkal District.

3.The Tahsildar,
Taluk Office,
Paramathi Vellur.

4.The Selection Grade Town Panchayat,
Rep. By Its Administrative Officer,
Paramathi Vellur, Namakkal.

5.The Commissioner,
Hindu Religious And Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

6.The Joint Commissioner,
Hindu Religious And Charitable Endowments Department,
Namakkal District.



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(R5 AND R6 ARE IMPEADED AS PER ORDER DATED 12.06.2024 IN WMP.16790/2024 IN WP.11729/2024 BY NSKJ)

...Respondents

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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records relating to the impugned refusal check slip in RFL/ Velur / 12/ 2024 dated 13.03.2024 issued by the 2nd respondent herein and quash the same and further directing the 2nd respondent to register the sale deed dated 13.03.2024 which was presented on 13.03.2024.

For Petitioner : M/s.S.Saravanakumar

For Respondents : Mr.A.Selvendran Special GP
for R.1, R3 & R.4

: Mr.P.Harish, Govt. Advocate
for R.2

: Mr.K.Karthikeyan, Govt. Advocate
for R.5 and R.6

ORDER

Questioning the refusal check slip dated 13.03.2024 issued by the 2nd respondent, the petitioner is before this Court.

2.The petitioner would submit that the property in question was the ancestral property of his father which was assigned to him in the



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year 1946. The petitioner's father had been in possession and enjoyment of the same and had constructed a tiled house in the said property. The said property was let out on lease to several persons.

3. In the year 1997, the petitioner's father had passed away and after his death the petitioner came to learn that the name "Bahavathi Amman Chavadi" was wrongly added in the patta in respect of the subject property. The petitioner had immediately represented to the District Collector, Namakkal to rectify the error made in patta. However, no action has been taken on the same. Therefore, the petitioner and his brothers, namely, K.Mani and K.Balakrishanan had filed a suit O.S.No.18 of 2005 on the file of the District Munsif cum Judicial Magistrate, Paramathy against respondents 1, 3 and 4 seeking a declaration declaring that the name Bahavathi Amman Chavadi in patta relating to the subject property as null and void. After contest and on the basis of the documentary evidence let in by the petitioner the suit was decreed and the name Bahavathi Amman Temple Chavadi noted in the patta was declared as null and void.



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4. Challenging the same, the Government had filed A.S.No.37 of 2015, on the file of the Sub Court, Nammakal and the appeal was also dismissed for default which was not restored. Therefore, the judgement and decree in O.S.No.18 of 2005 attained finality.

5. The petitioner had thereafter made several representations to the respondents to change the name in the Patta to bring it in sync with the judgement and decree passed in O.S.No.18 of 2005. But there has been no action taken by the authorities. Thereafter, due to urgent family expenses, the petitioner and the other legal heirs of Kuppusamy had executed a settlement deed in favour of one R.Palanisamy for valuable consideration and presented the sale deed for registration before the 2nd respondent. However, the 2nd respondent had refused to register the sale deed citing the reason that the property belongs to Government/HR & CE Department/Wakf Board/Panjami Lands. Aggrieved by the same the petitioner is before this Court.

6. Heard the counsels on either side and perused the records.

7. The 2nd respondent seeks to take umbrage on the fact that the



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name Bahavathi Amman Chavadi is found in the patta. However, the 2nd respondent has totally overlooked the judgement of the Civil Court, which has been produced along with the sale deed, clearly showing that the property belongs to the petitioner. Therefore, the reason for refusing to register the sale deed is absolutely without any basis and consequently the impugned refusal check slip dated 13.03.2024 is quashed. The Writ Petition is allowed and a direction is issued to the 2nd respondent to registered the sale deed dated 13.03.2024 within a period of 2 weeks from the date of its representations. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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