



W.P.No.16011 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 26.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.16011 of 2024
and
W.M.P.Nos.17482 & 17485 of 2024

1.A.J.Jamal Ashraf
2.Noorul Maharifa

.... Petitioners

Vs

1.The Sub-Registrar,
Sub-Registrar Office,
Selaiyur, Chennai.

2.The Sub-Registrar,
Sub Registrar Office,
Kilakarai, Ramanathapuram District.

3.The Registrar/Special Officer,
MDS/HSG, Tamil Nadu Secretariat Typist and Steno
Co-operative House Site Distribution Society,
Madambakkam, Chennai – 600 126.

.... Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent culminating in issuing the impugned proceedings order No.1/2024 dated 13.05.2024 and quash the same and consequentially directing the second respondent to release the



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pending document No.72/2021 after allotting main document number to the subject settlement deed dated 26.10.2021.

For Petitioner : Mr.S.Rajendra Kumar
for Mr.Suresh Madhavaraj

For R1 & R2 : Mrs.C.Meena Arumugam
Additional Government Pleader

For R3 : No appearance

ORDER

The above writ petition is filed for the following relief :

“praying to call for the records of the second respondent culminating in issuing the impugned proceedings order No.1/2024 dated 13.05.2024 and quash the same and consequentially directing the second respondent to release the pending document No.72/2021 after allotting main document number to the subject settlement deed dated 26.10.2021.”

2. The petitioner, who had submitted two settlement deeds executed by his two sisters on the file of the second respondent, is before this Court challenging the fact that the documents have not been released and have been kept pending. The



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petitioner would submit that under these two agreements, four items of properties were settled : two at Kilakarai, Ramanathapuram District and two at Tambaram. It appears that the second respondent had sent a letter dated 26.10.2021 to the first respondent for clearance as he had come to learn that there were some issues with regard to the 3rd and 4th properties, both situated at Tambaram. The first respondent had sent a reply stating that there was an objection petition No.67 of 2020 dated 03.11.2020 in respect of one of the properties at Tambaram. The petitioner would submit that, on verification, it was found that the two properties at Tambaram, which were sold to his sisters, were purchased from the Tamil Nadu Secretariat Typist and Steno Co-operative House Site Distribution Society (hereinafter referred to as the 'Society'), viz., the third respondent herein. The Society had issued a letter dated 21.10.2020 to the first respondent, demanding that he should not register any of the properties, which was sold by the Society during the period from 1998 to 2011, since they appeared to be some malpractices committed by the then office bearers. A complaint was also given



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by the Society to the Vigilance and Anti-Corruption Department and the same was registered as Spl.C.No.17 of 2012. One of the office bearers viz., Sundar, was also convicted.

3. The petitioner would submit that there is no order of the Court restraining the first respondent from registering the documents insofar as survey Nos.709/4 and 709/5 in Selaiyur were concerned, there was also no encumbrance entires. Meanwhile, the petitioner's elder sister, viz., the settlor, had died and her husband had also predeceased her. She had died issueless. By a letter dated 09.12.2022, the second respondent had addressed the letter to the first respondent, with a copy to the petitioner's sister, demanding a report insofar as item Nos.3 and 4 were concerned, within a period of one week, failing which, they had informed that the document bearing pending No.72 of 2021 will be rejected. Therefore, the petitioner had filed a writ petition in W.P.No.6439 of 2023 before this Court, challenging the said communication and by an order dated 28.08.2023, the second respondent was directed to conduct an



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enquiry and submit a report to the concerned Sub-Registrar to take decision for the purpose or releasing the settlement deed registered by the petitioners. The report was to be submitted within a period of six weeks from the date of receipt of a copy of the order.

4. Despite the order, the second respondent has not taken any decision. The petitioner had also sent two representations dated 23.09.2023 and 18.12.2023, but has received no response. The Inspector General of Registration, pursuant to the representation of the petitioners, had directed the respondents 1 and 2 to enquire and pass orders. The second respondent rejected the petitioner's settlement deed bearing document pending No.72 of 2021 on the basis of the letter sent by the third respondent dated 25.03.2024. The third respondent had stated that the property sold to one Akila was genuine and the property sold to Ponraj could not be sold as the plot finds place in the report given by the Vigilance and Anti Corruption to the Government.



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5. The petitioner is aggrieved by the order dated 13.05.2024 passed by the second respondent wherein the impugned order states that the property in respect of which the no objection certificate was called for pertains to the plot No.223, purchased by Ponraj. The second respondent would further submit that there were proceedings pending before this Court in respect of this property. Further, in the report submitted by the Vigilance and Anti-Corruption Department to the Government, it has been stated that there were malpractices in the allotment of the plots and of the 38 questionable transactions plot No.223 was one of such plots. The authority had also noted the death of the settlor Smt.Mohammed Sadakkummal. Therefore, since the explanations were not acceptable, the documents could not be registered. Therefore, by reason of this order even those properties, where there was no impediment could not be registered since the settlement deed as a whole was refused to be registered. Therefore, the petitioner is before this Court.



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6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. The plot in question is Plot No.223, which has been allotted to Akila and Plot No.222 was sold to Ponraj. In respect of both the properties, initially a lease-cum-sale agreement was entered into between the said Ponraj and Akila with the Society on 15.12.1999. The said Ponraj had entered into an agreement with reference to the plot No.222 and on the very same day, a lease-cum-sale agreement was executed with Akila in respect of the plot No.223. This was followed by the registered sale deed in the name of Ponraj for plot No.222 and in the name of Akila in respect of plot No.223. Further, it is also seen that these two properties are comprised in survey Nos.709/4 and 709/5 in the case of plot No.222 and the very same survey numbers in respect of plot No.223 as well. The reasons given in the impugned order that no objection could be given only in respect of the land belonging to a member of the Co-operative Society. In the instant case, the property, which has been



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sold by the Society to its member, is proposed to be sold to a third party. There is no order of the Court restraining further transfer.

Though the respondents would argue that there are criminal proceedings pending and that the sale is fraudulent, there are no proceedings in which they have obtained an order restraining for further transfer.

8. Therefore, in the light of the above, the impugned order has to be set aside. Accordingly, this Writ Petition is allowed. The impugned order is hereby quashed and directions are issued to the second respondent to register the settlement deed within a period of three weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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1.The Sub-Registrar,
Sub-Registrar Office,
Selaiyur, Chennai.

2.The Sub-Registrar,
Sub Registrar Office,
Kilakarai, Ramanathapuram District.



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P.T. ASHA, J,

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