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W.P.No.24077 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.24077 of 2024

R.Ajitha

... Petitioner

Vs.

1.The Sub Registrar
Sulur Sub Register Office,
Coimbatore District.

2.The Executive Officer
Thiruvengadanatha Perumal Thirukoil,
Sulur Taluk, Coimbatore.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for records on the file of the 1st respondent impugned Refusal Check Slip No.RFL/ SULUR/ 28/2024 dated 02.07.2024 and quash the same and consequently issue direction the 1st respondent herein to register the Sale Deed in favour of Ruban comprised in Sy. No.383, Sub Division No.383/1A1A, Plot No.11 situated at Kannampalayam Village, Sulur Taluk, Coimbatore District Registration District of Coimbatore, Sulur Sub Register Office.



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For Petitioner : M/s.A.Parthasarathy
For Respondents : M/s.M.Shahjahan, Spl. GP.
for R.1
: Mr.N.R.R.Arun Natarajan,
Spl.GP. (HR & CE) for R.2.

ORDER

The Writ Petition has been filed for the following reliefs:-

" Calling for records on the file of the 1st respondent impugned Refusal Check Slip No.RFL/ SULUR/ 28/2024 dated 02.07.2024 and quash the same and consequently issue direction the 1st respondent herein to register the Sale Deed in favour of Ruban comprised in Sy. No.383, Sub Division No.383/1A1A, Plot No.11 situated at Kannampalayam Village, Sulur Taluk, Coimbatore District Registration District of Coimbatore, Sulur Sub Register Office."

2. The petitioner's case is that the property comprised in Survey No.383, Sub Division No.383/1A1A, Plot No.11 situate at Kannampalayam Village, Sulur Taluk, Coimbatore District, has been purchased by her from one Hemalatha under a registered sale deed dated 15.07.1996. The petitioner's vendor had purchased the property and made a layout of house



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sites known as VGP GREEN PARK after obtaining necessary approval from the Town Planning Authority.

3. The petitioner would submit that due to certain financial difficulties she had decided to sell the property. One Ruban approached her evincing interest to purchase the said property. Pursuant to this, on 28.06.2024, a sale deed was executed by the petitioner in favour of one Ruban. When the sale deed was presented for registration before the 1st respondent, the 1st respondent had refused to register the sale deed stating that the property belonging to the Government/HR & CE Department. The 1st respondent had also produced a copy of the judgement in Suit OS.No.150 of 2018 which was a suit filed against the petitioner's vendor by the 2nd respondent. In the said suit the 2nd respondent had obtained an ex parte decree in the year 2024. The petitioner would submit that she had purchased the property in the year 1996 and has been in possession of said property since then. The patta also stands in her vendor's name.

4. The petitioner would submit that the grounds on which the refusal check slip has been issued do not fall within the provisions of Section 22-A of the Registration Act. Therefore, the petitioner is before this Court.



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5. Heard the counsels on either side.

6. The 2nd respondent had produced a decree in respect of a suit O.S.No.150/2018. The said suit had been filed to declare the 2nd respondent's title to the suit schedule property and the petitioner's vendor was arrayed as a party in the said suit. A perusal of the judgement would indicate that in the said proceedings, the 2nd respondent temple had marked Ex.A.6 which is the Old RSR Register. The said RSR Register clearly indicates that the Survey Number which relates to the property that is now the subject matter of the Writ Petition is also included as the property of the temple, namely, the 2nd respondent. The learned Trial Judge after taking into account all the documents especially Ex.A.6, RSR Register declared that the title of the temple has been proved and ultimately, the suit was decreed as prayed for.

7. No doubt, the subject matter of the above proceedings related to the different survey number. However, Ex.A.6, RSR Register which has been upheld by the learned District Munsif, Sulur in O.S.No.150/2018 includes the subject Survey Number. Therefore, the refusal on the part of the 1st respondent cannot be found fault with.



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8. Accordingly, the Writ Petition is dismissed. It is open to the petitioner to work out her rights in the manner known to law. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Sub Registrar
Sulur Sub Register Office,
Coimbatore District.

2.The Executive Officer
Thiruvengadanatha Perumal Thirukoil,
Sulur Taluk, Coimbatore.

P.T. ASHA. J.,



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