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W.P.No.24284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.08.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24284 of 2024

C.Elangovan

...Petitioner

Vs.

The Sub-Registrar
Sendamangalam SRO
Sendamangalam
Namakkal District.

..Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in RFL/Sendamangalam/57/2024 dated 18.07.2024 passed by the respondent, quash the same and consequently direct the respondent to register the sale deed dated 18.07.2024 presented by the petitioner in respect of 7700 sq.ft. comprised in S.F.No.137/6 Sendamangalam Villag, Sendamangalam Taluk, Namakkal District.

For Petitioner

: Mr.N.Manokaran

For Respondent

: Mr.M.Shahjahan

Special Government Pleader



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ORDER

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Aggrieved by the refusal check slip issued by the respondent refusing to register the sale deed executed by the petitioner in favour of one Senthil Kumar on the ground that the property covered by the sale deed belongs to a religious institution, the petitioner has come by way of writ petition.

2. According to the petitioner, the subject matter originally belonged to Salem District Tamil Baptist Trust Society. There was a sale agreement between the said society and one Kannappan for purchase of the subject property. Thereafter, the agreement vendor namely the society failed to come forward to execute the sale deed. Therefore, the agreement vendee, Kannappan filed a suit for specific performance in O.S.No.158 of 2015 on the file of District Munsif Court, Namakkal. The suit was decreed on 27.07.2015. Subsequently, the decree holder, Kannappan made over the decree in favour of petitioner on 28.04.2022. On the strength of the made over decree, the petitioner filed execution petition in E.P.No.19 of 2022. The learned District Munsif, Namakkal had executed the sale deed dated 29.11.2023 in favour of the petitioner in respect of the subject property. Subsequently, the petitioner



executed a sale deed in favour one Senthil Kumar in respect of portion of the property obtained under specific performance decree. The said sale deed was presented for registration and the same was refused registration by the respondent on the ground that the subject property belongs to religious institution.

3. A perusal of the typed set of papers would suggest that petitioner acquired title over the subject property under sale deed executed by the very society in whose name the revenue records are available. When the petitioner claimed right over the property under a Civil Court's decree and he also obtained sale deed in his favour in pursuance of execution of the Civil Court's decree, the respondent is not entitled to refuse the registration on the ground that the revenue records still stands in the name of said society which suffered specific performance decree at the hands of petitioner's predecessor namely Kannappan. Therefore, the impugned refusal check slip is set aside and the petitioner is directed to represent the document before the respondent within a period of two weeks from the date of receipt of copy of this order. The respondent is directed to register the sale deed if it is otherwise in order.



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4. With the above observations, this writ petition is disposed of. No costs.

27.08.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

The Sub-Registrar
Sendamangalam SRO
Sendamangalam
Namakkal District.

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S.SOUNTHAR, J.

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