



WEB COPY



W.P.No.26835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.26835 of 2024

S.Prabhakaran

... Petitioner

Vs.

1.The Inspector General Of Registration
Chennai-600 028

2.The Deputy Inspector General Of Registration
Coimbatore-641 018

3.The Sub Registrar
Singanallur, Coimbatore-6410 16

...Respondents

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 pertaining to impugned proceeding dated 14.05.2024 made in RFL/Singanallur/7/2024 issued by the 3rd respondent quash the same and consequently direct the 3rd respondent to register and release the Sale deed 13.05.2024 presented by the petitioner.

For Petitioner : M/s.Vadiraj Anirudh S.G.

For Respondents : M/s.B.Vijay, AGP,
for R.1 to R.3.

ORDER



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Challenging the refusal check slip issued by the 3rd respondent dated 14.05.2024, the petitioner is before this Court.

2. It is the contention of the petitioner that one Mr.Sreeram had purchased the subject property from him consisting of land and building situate in Plot No.34 comprised in S.Nos.683/2C1A1, 682/5 and 684/1 Abirami Garden Singanallur, Coimbatore. The sale deed was executed on 13.05.2024 and presented for registration before the 3rd respondent on the very next day. However, to the petitioner's shock and surprise the 3rd respondent had refused to register the document on the ground that the survey nos.683/2C1A1 and 683/5 were part of the lands in which this Court in W.P.No.10943/2023 had directed the authorities to check for encroachment. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsels on either side and perused the records.

4. A perusal of the order passed in W.P.No.10943/2023 which is the reason for the refusal to register the sale deed would indicate that the properties in question are survey nos.686 and 703 of Vellalore Village. The learned Judge had in his order observed that the petitioner in



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W.P.No.10946 of 2023 had misused his political position and had gifted the lands in respect of the adjacent layout, namely, Abhirami layout and committed illegalities. In the said Writ Petition, the learned Judge had directed the District Collector to initiate further actions by registering a criminal case to resume the OSR lands. However, the petitioner's property is comprised in S.Nos.683/2C1A1, 682/5 and 684/1 and does not form part of the survey numbers that are covered under W.P.No.10943/2023. Therefore, the basis on which the 3rd respondent had refused to register the sale deed is absolutely baseless.

5. Therefore, the Writ Petition is allowed. The impugned refusal check slip dated 14.05.2024 is set aside. The 3rd respondent is directed to register and release the sale deed dated 13.05.2024 within a period of 2 weeks from the date of its representation by the petitioner. No costs.

06.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To



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P.T. ASHA. J.,



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