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W.P.No.28994 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.28994 of 2024

R.Nathan

...Petitioner

Vs.

1. The District Registrar,
Tiruppur District.
2. The Sub-Registrar,
Nallur Sub-Registrar's Office,
Nallur, tiruppur District.
3. The Executive Officer,
A/m. Visvasuvaraswami,
Visalachiamman Subramaniasami Temple,
Nallur, Tiruppur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent herein to forthwith register the sale deed presented by the petitioner in respect of the property of an extent of 4860sq.ft. in Survey No.71/2A2A, Nallur Village, Tiruppur Taluk and District.

For Petitioner : M/s.S.Meenakshi
for L.Palani Muthu



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For R1 & R2 : Mr.M.Shahjahan
Special Government Pleader
For R3 : Mr.K.Karthikeyan,
Government Advocate

ORDER

The petitioner herein seeks a direction to the second respondent to register the sale deed presented by him in respect of the property measuring an extent of 4860sq.ft. in Survey No.71/2A2A, Nallur Village, Tiruppur Taluk and District.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the above mentioned property was originally owned by one Natchimuthu Gounder and others. Pursuant to the settlement proceedings initiated under Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, patta was granted in favour of the original owners by order dated 31.07.1972 passed by the Settlement Tahsildar,



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Coimbatore. The said order has attained finality, as the third respondent temple did not proceed further. Thereafter, the petitioner purchased the above property under registered sale deed dated 23.11.2009. When he wanted to execute a mortgage deed in respect of the said property, the second respondent refused to register the same, citing the claim of the third respondent temple over the property. Challenging the same, the petitioner filed WP No.33911 of 2022 and the same was allowed on the ground that the settlement patta was already issued in favour of the petitioner's predecessor-in-interest and the same has not been challenged by the third respondent. Thereafter, the petitioner wanted to sell the property and approached the second respondent requesting to register the sale deed by producing the order passed by this Court. However, the second respondent refused to consider the same for registration. Therefore, the petitioner has come to this court by way of this writ petition.

4. The learned counsel for the petitioner relying on the order passed by this Court in WP.No.33911 of 2022 submitted that though the settlement patta was already issued in the name of the petitioner's predecessor-in-interest, the second respondent refused to register the sale deed executed in respect of the subject property.



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5. Mr.K.Karthikeyan, learned Government Advocate, who takes notice for the third respondent, by producing a written instructions, submitted that the settlement Tahsildar passed the order without considering the scope of the patta originally granted in favour of the petitioner's predecessor-in-interest. The learned Government Advocate also by relying on the order passed by this court in WP.No.19530 of 2022, submitted that earlier, this Court dismissed the writ petition filed by the petitioner, granting liberty to him to approach the competent civil court to work out his remedy.

6. A perusal of the affidavit filed in support of this writ petition and typed set of papers would establish that settlement patta was issued by the Settlement Tahsildar Coimbatore on 31.07.1972 in favour of Nachimuthu Gounder. The said order has not been challenged by the third respondent in the manner known to law. Taking into consideration the issuance of settlement patta in favour of the petitioner's predecessor-in-interest, this Court in W.P.No.33911 of 2022 directed the second respondent to consider the mortgage deed executed by the petitioner for registration. Now, the petitioner



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wanted to register the sale deed in favour of a third party. The third respondent temple has not questioned the order passed by the Settlement Tahsildar in favour of the petitioner's predecessor-in-interest. The third respondent has not filed any suit before the civil court to establish its right over the property. In such circumstances, there is no impediment for the second respondent to consider the document presented by the petitioner for registration. Even if any sale deed is executed by the petitioner, that will not prevent the third respondent to establish its right over the property before the competent civil court by instituting a suit.

7. Therefore, the petitioner is directed to present the sale deed before the second respondent after applying token through on-line and if any sale deed is presented, the second respondent shall consider the same for registration, in the light of the order passed by this court in WP.No.33911 of 2022. However, it is open to the third respondent to establish its right over the property before the competent Civil Court.

8. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

S. SOUNTHAR, J.

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To

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Tiruppur District.
2. The Sub-Registrar,
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Nallur, tiruppur District.
3. The Executive Officer,
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