



W.P.No. 30676 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.30676 of 2024

P.Sita Lakshmi

... Petitioner

Vs

The Sub-Registrar,
Office of Sub-Registrar,
Madukkarai,
Coimbatore District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in RFL/Madukkarai/BOOK 2/2/2021 passed by the Respondent on 12.10.2021, quash the same and consequently direct the Respondent to register the sale deed dated 08.09.2015 presented to register the sale deed dated 08.09.2015 presented by the petitioner and return the same after completion of registration formalities by considering the petitioner representation dated 14.09.2024.



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(Prayer amended as per order dated 29.10.2024 in W.M.P.No.35175 of 2024 in W.P.No.30676 of 2024 by SSJ).

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.P.Harish
Government Advocate

ORDER

Challenging the impugned refusal check slip dated 12.10.2021, the petitioner is before this Court.

2. It is the case of the petitioner that the petitioner had purchased the land measuring one acre in Survey No.152/2 in Seerapalayam Village of Madukkarai Taluk in Coimbatore District, from one poovathal and her family members under registered sale deed dated 08.09.2015. The sale deed of the above said property was kept pending in pending Doc.No.P-33 of 2015 for want of production of patta in the name of the petitioner's vendor.

3. The petitioner would submit that the above land was the ancestral property of one Palani Gounder, he has four sons namely



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C.P.Ramalingam, C.P.Lakshmanan, C.P.Aruchamy and C.P.Ganesan, four of them had decided to partition the property which is later reduced into writing in the form of a deed of partition dated 31.07.1959, registered as Document No.164 of 1959 on the file of the Sub-Registrar, Coimbatore. Under this partition, the subject property was allotted to the share of Palani Gounder, who in turn settled it in the name of his daughter Poovathal under a registered settlement deed dated 07.02.1963. The said Poovathal, her son, Arulmani and her husband, Nanjappa Gounder had entered into a partition deed dated 07.12.1974 and the subject property was allotted to Poovathal's husband, Nanjappa Gounder. Nanjappa Gounder died on 01.02.2015 leaving behind the petitioner's vendors, as his legal heirs. At this juncture, the petitioner had purchased the property from Poovathal and others on 08.09.2015. The petitioner would submit that for over 9 years, the document was kept pending and ultimately by the order dated 12.10.2021, the respondent has refused to register the same, stating that the property belonged to the Boodhan Board. Initially, the writ petition



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was filed for a mandamus directing the respondent to register the deed.

It was when the matter had come up for admission, that the petitioner came to know about the cancellation and therefore, the amendment was sought for and the prayer was amended.

4. Heard Mr.Ponraj, learned counsel for the petitioner and Mr.Harish, leaned Government Advocate appearing for the respondent.

5. The reason for rejection is not sustainable. The petitioner had filed a suit O.S.No.1069 of 2006 for setting aside the gift in favour of Boodhan Board and for an injunction restraining the respondents from interfering with his peaceful possession and enjoyment of the property against the Chairman, Tamil Nadu Boodhan Board, Special Officer-cum-Director of Rural Development and the State of Tamil Nadu represented by the District Collector, Coimbatore. The suit was contested and the learned II Additional District Munsif, Coimbatore observed that the gift executed in favour of the Boodhan Board by one



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of the sons of Palani Gounder namely C.P.Ramalingam is not a valid gift since other sons of Palani Gounder has not joined in the same and had upheld the title of Nanjappa Gounder to the property. This judgment was passed on 29.01.2015, against which neither the Boodhan Board nor the District Collector had gone on appeal. One of the vendors of the petitioner, Arulmani had filed W.P.No.805 of 2018 before this Court for considering the representation for changing the name of the revenue records and issue joint patta in favour of the legal heirs was not considered and hence, a mandamus was issued to consider and pass orders. The judgment in O.S.No.1069 of 2006 has also been filed and has been registered as Document No.4318 of 2015, despite all of these, the impugned order has been passed and therefore, the same cannot be sustained.

6. In the result, this writ petition is allowed and the respondent shall register the document, within a period of two weeks from the date of its presentation. There shall be no order as to costs.



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Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
ssn

P.T.ASHA, J.,

ssn

To

The Sub-Registrar,
Office of Sub-Registrar,
Madukkarai,
Coimbatore District.

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