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W.P.No.33011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.33011 of 2023

and

W.M.P.Nos.36134 & 36138 of 2023

Elitestar Knit Wear (P) Ltd.,
represented by its
Director Ramakant Padia
having Head Office at
D.No.41B, Bipin Behari,
Ganguly Street, Kolkatta District,
West Bengal, presently residing at
Elite Star Knitwear Private Ltd.,
Door No.36, KPN Colony,
4th Street, Tiruppur.

... Petitioner

Vs.

1.The District Registrar Office,
1/529, Nerupperichal Village,
Pooluvapatti Post,
Tirupur – 641 602.



W.P.No.33011 of 2023

2.The Sub Registrar,
D.No.6/171, Post Office Road,
Avinasi – 641 654,
Tirupur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records in communication Ref. No.373/2013 dated 23.08.2013 on the file of 2nd respondent and quash the same, and consequently direct the 2nd respondent to register the sale deed dated 17.07.2013.

For Petitioner	:	Mr.K.Sudhakar
For R1 and R2	:	Mrs.V.Yamuna Devi Special Government Pleader

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the entire records in communication Ref.No.373/2013 dated 23.08.2013 on the file of 2nd respondent and quash the same, and consequently direct the 2nd respondent to register the sale deed dated 17.07.2013.

2.Brief facts that are necessary for the disposal of this writ petition are



W.P.No.33011 of 2023

as follows :

WEB COPY

The petitioner states that he is one of the Directors of M/s.Elitestar Knit Wear, a Private Limited Company, carrying on business in Tiruppur. The petitioner states that he entered into a sale agreement with one Magalingam on 19.02.2008 in respect of a property measuring an extent of 5.90 Acres at Puthupalayam Village, Avinashi Taluk in Tiruppur District. The said document was registered by the 2nd respondent. The petitioner also entered into another sale agreement in respect of another property measuring an extent of 2.85 Acres in S.No.518/4 in the same Village and the same was also registered. The petitioner presented the sale deed on 17.07.2013 before the 2nd respondent for registration. Though the sale deed was accepted for registration and pending, the petitioner states that the 2nd respondent has passed the impugned order. By the impugned order, the 2nd respondent, referring to the claim regarding the community status of the petitioner, requested the District Magistrate, Patna District, Patna, Bihar State, to cause verification of the genuineness of the Community Certificate which is enclosed by the petitioner at the time of presentation of the document, namely, the sale deed, for registration.



W.P.No.33011 of 2023

WEB COPY

3.It is admitted that the petitioner has entered into agreement in respect of the land which was originally assigned in favour of Adi Dravidar on the basis of Government Order. The assignment in favour of Adi Dravidar is always subject to condition that there shall not be any alienation for a particular period and that thereafter also, the property can be sold only in favour of a person belonging to Adi Dravidar community or belonging to Scheduled Caste. The sellers, who are the legal heirs of the original assignee, obtained permission from Revenue Tahsildar by proceedings dated 27.08.2021. From the proceedings dated 27.08.2021, it is seen that the petitioner's vendors had obtained permission for sale of the property on the representation that the vendors proposed to sell the property only in favour of a person belonging to Adi Dravidar Community.

4.The petitioner has hailed from the State Bihar. Therefore, the Sub-Registrar, before registration of the document, on seeing the proceedings of the Revenue Tahsildar dated 27.08.2021 and on enquiry, found that the property which was assigned in favour of Adi Dravidar can be sold only in favour of a person belonging to that community. Since the petitioner hailed



W.P.No.33011 of 2023

from a different State, the Sub-Registrar wanted verification of the genuineness of the Community Certificate whether it was issued by Patna Taluk Office, as the Certificate was in Hindi. The order of Sub-Registrar, entertaining a doubt as to the genuineness of the Community Certificate produced by the petitioner, cannot be doubted and it is only for *bona fide* reason. Therefore, this Court finds no reason to interfere with the order passed by the Sub-Registrar which is impugned in this writ petition.

5.The petitioner has stated that the petitioner was not given any opportunity. Even before this Court, the petitioner has not produced any document to sustain his claim that he belongs to Scheduled Caste Community or the land which was proposed to be acquired by the petitioner by sale is not the property assigned in favour of depressed class subject to conditions. This Court and Hon'ble Supreme Court, in several decisions, have repeatedly held that a property with condition for assignment of land in favour of Adi Dravidar, cannot be alienated in favour of a person not belonging to that community. In such circumstances, this Court finds no reason to entertain this writ petition.



W.P.No.33011 of 2023

WEB COPY

6. Therefore, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.S., J.)
13.02.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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WEB COPY



W.P.No.33011 of 2023

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W.P.No.33011 of 2023

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