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W.P.No.37271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.Nos.37271, 37274 & 37275 of 2024

Skyrand Properties Private Limited,
Represented by its Director,
M.Selvakumar
S/o.Muthusamy
Residing at No.13/17E,
3rd Street, Kalapatti Road,
Nehru Nagar East, Coimbatore – 641 014.

...Petitioner in all W.P.'s

Vs

1.The District Registrar (Admin),
(Additional In charge)
Coimbatore – North,
Office of District Registrar,
Coimbatore District.

2.The Sub-Registrar,
Office of Sub-Registrar,
Ganapathy, Coimbatore District

...Respondents in all W.P's

PRAYER in W.P.No.37271 of 2024:-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Mandamus, calling for the records relating to the impugned refusal order No.4427 /A1 / 2024 dated 18.09.2024 passed by the 1st respondent and quash the same and further directing the 2nd respondent to register the sale deed P/ 127/ 2023 which was presented on 21.09.2023.



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PRAYER in W.P.No.37274 of 2024:-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Mandamus, calling for the records relating to the impugned refusal order No.4429 /A1 / 2024 dated 18.09.2024 passed by the 1st respondent and quash the same and further directing the 2nd respondent to register the sale deed P/ 129/ 2023 which was presented on 21.09.2023.

PRAYER in W.P.No.37275 of 2024:-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Mandamus, calling for the records relating to the impugned refusal order No.4428 /A1 / 2024 dated 18.09.2024 passed by the 1st respondent and quash the same and further directing the 2nd respondent to register the sale deed P/ 128/ 2023 which was presented on 21.09.2023.

In all W.P.'s:-

For Petitioner : Mr.Abrar MD Abdullah
For Respondents : Mr.M.Shahjahan (For R1 and R2)
Special Government Pleader

ORDER

Challenging the refusal on the part of the second respondent to register the sale deeds dated 21.09.2023 in P/127/2023, P/ 129/ 2023 and P/ 128/ 2023 presented by the petitioner, the petitioner is before this Court.



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2.The petitioner would submit that the properties which are the subject matter of the Writ Petition originally belonging to one Subanna Gounder who purchased the same under registered sale deed dated 04.06.1935. He was in possession and enjoyment of the same. Thereafter, Subanna Gounder and his two sons Palani Gounder and Arunachala Gounder dividing their family properties had entered into a registered partition deed on 23.10.1942. The subject property was allotted to the share of Subanna Gounder. Subanna Gounder died intestate on 18.04.1965 and the properties devolved on his wife Kulandhaiammal, daughters Kuttiammal and Ramathal and two sons Palani Gounder and Arunachala Gounder. The wife and two daughters of Subanna Gounder has filed a suit for partition and separate possession claiming their 1/5th share against Palani Gounder and Arunachala Gounder in O.S.No.1568 of 1965 on the file of District Munsif Court, Coimbatore. The suit was decreed as prayed for. Subsequent to the decree, Kulanthaiaimmal passed away and her property devolved on to her two sons and her two daughters. Each getting 1/4th share in her 1/5th share. Thereafter, the four children of Subanna Gounder and Kulandhaiammal were in joint possession and enjoyment of the property.



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3.The petitioner purchased an extent of undivided 37.2 cents from the legal heirs of Arunachala Gounder who was entitled to $\frac{1}{4}$ share in the property. Likewise, they had purchased the shares of Kuttiammal and Ramathal from their respective legal representatives. Therefore, the petitioner had purchased $\frac{3}{4}$ share of the property. The petitioner had presented the three sale deeds, all of which were dated 21.09.2023, before the second respondent for registration. However, the second respondent kept it pending and assigned it a pending number. Thereafter, the second respondent appears to have sought for legal opinion from the Government Advocate with reference to the judgment and decree in O.S.No.1568 of 1965 and the Government Advocate had opined by letter dated 06.04.2024 that the case records was ancient and destroyed and based on the suit register extract from the Court it was confirmed that a judgment and decree dated 30.03.1966 had been passed in the suit in O.S.No.1568 of 1965. Despite obtaining the legal opinion, the Sub Registrar, Coimbatore, the 2nd respondent herein refused to register the sale deeds. It would not be out of place here to mention that the said Sub Registrar, had been arrested by the CBCID for forging and selling land worth over Rs.300 crores/-. Thereafter, vide the impugned refusal check slip, the sale deeds were returned for want of original title deeds.



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Aggrieved over the same, the petitioner had preferred the appeal to the first respondent under Section 72 of Registration Act and before the first respondent, the petitioner had produced the copy of the documents of title deeds, joint patta etc.,. Despite this, the first respondent has also not considered the documents placed before them.

4.Heard the learned counsels on either side and perused the records. The learned Special Government Pleader takes notice for respondents.

5.Time and again, this Court has been issuing directions to the registering authorities to confine their remit within the powers given to them under the Registration Act. The Registration Act contemplates that the registering authority shall confine its enquiry to verifying the execution of the document, the identity of the person executing the document and where the execution is made by an authorised agent assign etc., to verify the authority. Further refusal is also contemplated in respect of the reasons set out in Section 22 A of the Tamil Nadu Registration Act. Therefore, the present reason for refusing to register the sale deed does not fall within the nature of the above. Therefore, the Writ



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Petition is allowed and the respondents are directed to register the sale deed within two weeks of its representation.

6. Accordingly, these Writ Petitions are allowed. No costs.

12.12.2024

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

1. The District Registrar (Admin),
(Additional In charge)
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Coimbatore District.
2. The Sub-Registrar,
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P.T.ASHA, J,

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