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WP.No.37891 of 2024

In the High Court of Judicature at Madras

Dated : 19.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37891 of 2024 &
WMP.No.40967 of 2024

V.M.Saminathan

...Petitioner

Vs

1.The Inspector General of
Registration, No.100,
Santhome High Road,
Foreshore Estate,
Chennai-28.

2.The Sub-Registrar, Sub-
Registrar Office,
Thottipalayam,
Tiruppur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in RFL/Thottiyampalayam/104/2024 dated 11.11.2024, quash the same and consequentially direct the 2nd respondent to register the sale agreement dated 11.11.2024 presented for registration.

For Petitioner : Mr.A.Sundara Vadhanan
For Respondents : Mr.C.Sathish, GA



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ORDER

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Challenging the check slip issued by the second respondent dated 11.11.2024 refusing to register the sale agreement presented by the petitioner and to issue a consequential direction to the second respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondents.

3. The case of the petitioner is as follows :

(i) The property in R.S.No.120 measuring 9.24 acres in Perinuthalavu Village, Tirupur South Taluk, Tirupur District was classified as Ayyanar Koil Poosari pursuant to the proceedings of the Settlement Tahsildar-II, Gobichettipalayam dated 23.8.1968. Aggrieved by that, one Mrs.Valliammal filed an appeal in C.M.A.No.464 of 1969 and one Mr.Kaliappa Gounder and one Mr.Palanisami Gounder filed C.M.A.No.34 of 1970 before the Minor Inams Tribunal, Coimbatore. The said appeals were ultimately allowed by common judgment dated 04.3.1972 by setting aside the order dated 23.8.1968. Thereafter, R.S.No.120 was subdivided into R.S.No.120/1A. But, the revenue records were not mutated by the Tahsildar concerned even after filing applications in that regard.



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(ii) Hence, the petitioner filed an appeal dated 31.5.2023 before the District Revenue Officer, Tiruppur seeking to delete the name of Ayyanar Koil Poosari and issue a joint patta in his name along with 11 others. Ultimately, the District Revenue Officer, Tiruppur, by proceedings dated 05.8.2024, directed only to delete the name of Ayyanar Koil Poosari. Further, vide proceedings dated 05.9.2024, the Tahsildar, Tirupur South directed the Village Administrative Officer, Perunthozhuvu only to delete the name of Ayyanar Koil Poosari.

(iii) Meanwhile, the petitioner's son - one Mr.S.Elango purchased some properties in various survey numbers including S.No.120/1A vide document dated 07.10.1996 registered as doc.No.3776 of 1996 on the file of the Joint No.1 Sub-Registrar, Tiruppur. Subsequently, he settled his share of the properties in favour of the petitioner vide settlement deed dated 05.7.2022 registered as doc.No.4146 of 2022 on the file of the second respondent. When the petitioner intended to sell 1/12th share to one Mr.Vijayakumar, a sale agreement dated 11.11.2024 came to be executed and it was presented before the second respondent. But, the second respondent refused to register the same with the endorsement "**Government/HR & CE/Wakf Board/Boomidhan/Panchami Lands**". Hence the writ petition.



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4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. In the considered view of this Court, the impugned order, by itself, is a non speaking order. A perusal of the copies of documents enclosed along with the affidavit filed in support of the writ petition would clearly show that by common judgment dated 04.3.1972, the Minor Inams Tribunal, Coimbatore in C.M.A.No.464 of 1969 and 34 of 1970, granted patta to the appellants therein under Section 8(2)(i)(a) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act. It is also seen that several transactions took place thereafter and the sale deed got registered in favour of the son of the petitioner on 07.10.1996 along with others. The settlement deed executed by the son of the petitioner in his favour was also registered on 05.7.2022 on the file of the second respondent. These documents were registered without any protest or objection on the side of the Registering Authorities. Hence, the subject properties cannot be termed to be temple lands in the light of the common judgment dated 04.3.1972 in CMA.Nos. C.M.A.No.464 of 1969 and 34 of 1970 on the file of the Minor Inams Tribunal, Coimbatore.



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6. Accordingly, the writ petition is allowed, the impugned refusal check slip is set aside and the second respondent is directed to register the sale agreement dated 11.11.2024 presented by the petitioner for registration within two weeks from the date of its representation. No costs. Consequently, the connected WMP is closed.

19.12.2024

To

1.The Inspector General of
Registration, No.100,
Santhome High Road,
Foreshore Estate,
Chennai-28.

2.The Sub-Registrar, Sub-
Registrar Office,
Thottipalayam,
Tiruppur District.

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