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WP.No.38082 of 2024

In the High Court of Judicature at Madras

Dated : 17.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.38082 of 2024

K.Ravi

...Petitioner

Vs

1. The Sub Registrar,
Registration Department,
Sivagiri, Erode District-638109.

2. The Executive Officer,
Sri Ponkaliamman Temple
Amman Koil, Sivagiri,
Erode District-638109.

...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 1st respondent in refusal check slip dated 18.10.2023, quash the same and consequently entertain the document for registration.

For Petitioner	:	Mr.P.Kannan Kumar
For R1	:	Mr.B.Vijay, AGP
For R2	:	Mr.N.R.R.Arun Natarajan, SGP (HR & CE)

ORDER

Challenging the check slip issued by the first respondent refusing



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to entertain the document presented by the petitioner for registration and for a consequential direction to the first respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader accepting notice for the first respondent and the learned Special Government Pleader (HR & CE) accepting notice for the second respondent.

3. The case of the petitioner is as follows :

(i) The petitioner purchased the property measuring 44.75 cents in R.S.No.44/3B situated at Sivagiri A.Village, Erode District vide sale deed dated 03.11.2006 registered as doc.No.1738 of 2006 on the file of the first respondent. Ever since the date of purchase, the petitioner has been in possession and enjoyment of the same. Pursuant to that, the revenue records were also mutated in his favour.

(ii) Due to financial constraints, the petitioner mortgaged the said property with the Indian Bank, Karur Branch and also repaid the entire loan subsequently. The second respondent appeared to have given a complaint to the District Revenue Officer, Erode claiming ownership in respect of certain properties including the said property. Based on the said complaint, the District Revenue Officer, Erode



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conducted a detailed inquiry and passed orders on 04.3.2019 holding that the said property absolutely belongs to the petitioner.

(iii) Once again, the petitioner wanted to avail a loan. For the purpose of executing a registered mortgage deed, the petitioner presented the document to the first respondent on 18.10.2023 for registration. However, the request for registration was rejected on the ground that the second respondent issued the letter dated 31.8.2023 and without their approval, no document should be registered. Hence the writ petition.

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. The impugned refusal check slip came to be issued pursuant to the letter dated 31.8.2023 given by the second respondent stating that the said property belongs to Arulmighu Palaniyandavar Temple at Chinniyampalayam and that without getting no objection from the second respondent, no document should be registered.

6. The impugned order came to be passed without giving notice to the petitioner and an opportunity of hearing. From the copies of the



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documents, which have now been enclosed along with the affidavit filed in support of the writ petition, it is seen that the District Revenue Officer, Erode, vide proceedings bearing Na.Ka.No.30269/2015/Oo.3 dated 04.3.2019, had held that the said property comprised in S.No. 44/3B measuring 0.18.0 Ares in patta No.2352 belongs to the petitioner. It is also seen that the properties in patta Nos.2511, 2575, 2574, 2509, 2572 and 2018 were held to be belonging to the said temple. This order dated 04.3.2019 has not been challenged before a court of law. Further, the letter, which has been referred to by the first respondent, does not describe the subject property as that of the said temple. Therefore, the reason given for refusing to register the mortgage deed and more particularly when the earlier mortgage deeds were registered in respect of the subject property, is totally misconceived.

7. Accordingly, the writ petition is allowed, the impugned order is set aside and the first respondent is directed to register the document presented by the petitioner within two weeks from the date of its representation. No costs.

17.12.2024

RS



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P.T.ASHA,J

RS

To

1. The Sub Registrar
Registration Department
Sivagiri, Erode District 638 109.
2. The Executive Officer
Sri Ponkaliamman Temple
Amman Koil, Sivagiri
Erode District 638 109.

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