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W.P.No.38722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.38722 of 2024

P.Prabhu

... Petitioner

Vs.

1.The District Registrar
Namakkal District.

2.The Sub - Registrar
Puduchathiram SRO,
Namakkal District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for records pertaining to the the proceedings of the 2nd respondent in Ref.No.RFL / Puduchathiram / 83 /2024 dated 27/06/2024 and quash the same and consequently direct the 2nd respondent to register the sale deed dated 27/06/2024 presented by the petitioner in accordance with provisions of the Registration Act, 1908.

For Petitioner : M/s.N.M.Venkataraman for
M/s.Dass and Viswa Associates

For Respondents : M/s.B.Vijay, AGP



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for R1 & R2.

ORDER

Challenging the refusal check slip dated 27.06.2024 issued by the 2nd respondent, the petitioner is before this Court.

Brief Facts:-

2. The petitioner had purchased the property comprised in S.Nos.199/2B2, 199/5B, 217/2 under a sale deed dated 21.11.2022. In order to settle his loans and meet his family expenses, the petitioner had sold the subject property to one V.Balakrishnan for a valuable sale consideration and executed a sale deed in his favour on 27.06.2024. When the sale deed dated 27.11.2024 was presented for registration before the 2nd respondent, the 2nd respondent had refused to register the same on the ground that a no objection certificate has not been produced by the petitioner from the authority concerned as the subject lands were agricultural lands conditionally assigned to scheduled caste people. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned AGP accepting notice for the respondents and perused the records.



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4. The refusal check slip has been issued on the ground that a no objection certificate has not been produced by the petitioner from the authority concerned as the subject lands were agricultural lands conditionally assigned to scheduled caste people. The petitioner, in his affidavit, has clearly stated that both the vendor and the purchaser belong to the same community. Therefore, there is no violation of the assignment condition. That apart, the assignment has been made several decades ago and after the expiry of the bar on transfer and alienation, the revenue authority had issued a regular patta in favour of the petitioner's vendor. Therefore, the reasons for the refusal to register the sale deed cannot be countenanced.

5. Accordingly, the Writ Petition is allowed. The impugned refusal check slip dated 27.06.2024 is set aside and the 2nd respondent is directed to register the sale deed dated 27.06.2024, within a period of two weeks from the date of its representation by the petitioner. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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P.T. ASHA. J.,

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