



WEB COPY



WP.No.39129 of 2024

In the High Court of Judicature at Madras

Dated : 21.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.39129 of 2024

Arulmani

Vs

...Petitioner

The Sub-Registrar, Office of
the Sub-Registrar, Madukkarai,
Coimbatore District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip in RFL/Madukkarai/Book 2/1/2021 passed by the respondent on 12.10.2021, quash the same and consequently direct the respondent to register the release deed dated 08.9.2015 to be represented by the petitioner and return the same after completion of registration formalities.

For Petitioner : Mr.N.Ponraj
For Respondent : Mr.B.Vijay, AGP

ORDER

Challenging the check slip issued by the respondent refusing to



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register the release deed dated 08.9.2015 presented by the petitioner and to issue a consequential direction to the respondent to return the release deed after completion of registration, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondent.

3. The case of the petitioner is as follows :

(i) The landed property measuring 3 acres in S.No.152/2 (old S.No.152), Seerapalayam Village, Madukkarai Taluk, Coimbatore District belonged to the father of the petitioner - one Mr.Nanjappa Gounder, who acquired the said property along with other properties pursuant to a partition deed dated 07.12.1984 registered as doc.No. 4672 of 1984 on the file of the Joint-2 Sub-Registrar, Madukkarai. His father died on 01.2.2015 leaving behind him his wife, his son - the petitioner and his daughter as the surviving legal heirs. After the demise of his father, the petitioner, his mother and sister sold one acre out of the said extent of 3 acres on 08.9.2015 to one Ms.Sita Lakshmi.

(ii) The petitioner's mother and sister executed a release deed dated 08.9.2015 in favour of the petitioner in respect of the remaining 2 acres. Though the release deed was presented on 08.9.2015 for



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registration, the respondent issued the impugned refusal check slip on the ground that the said property belongs to the Boomidhan Board. Hence the writ petition.

4. Heard the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondent.

5. A perusal of the copies of documents filed along with the affidavit in support of the writ petition would clearly show that the petitioner's father filed a civil suit in O.S.No.1069 of 2006 on the file of the Second Additional District Munsif Court, Coimbatore against the Chairman, Tamil Nadu Boodhan Yojna Board, the Special Officer-cum-Director of Rural Development, Chennai and the District Collector, Coimbatore seeking a declaration that the gift deed dated 30.9.1956 registered as doc.No.504 of 1967 executed in favour of the Chairman, Tamil Nadu Boodhan Yojna Board, Chennai was invalid and for a permanent injunction. After contest, the said suit was decreed on 29.1.2015. Against the said judgment and decree dated 29.1.2015, the Boomidhan Board has not filed any appeal. Without challenging the same in a court of law, the Boomidhan Board addressed a letter to the Tahsildar, Madukkarai stating that the property in S.No.152/2 of



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Seerapalayam Village belongs to the Boomidhan Board. Such a claim made by the Boomidhan Board runs contrary to the decree that has been passed against them.

6. In the light of the above, the writ petition is allowed, the impugned refusal check slip is set aside and the respondent is directed to register the release deed dated 08.9.2015 presented by the petitioner within two weeks from the date of its representation. No costs.

21.12.2024

To
The Sub-Registrar, Office of
the Sub-Registrar, Madukkarai,
Coimbatore District.

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P.T.ASHA,J

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