



W.P(MD)No.947 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.947 of 2024

S.Nithyapriya

... Petitioner

-Vs-

1.The Sub Registrar,
Thiruparankundram,
Madurai.

2.The District Registrar,
Madurai District.

3.The Executive Officer,
Arulmigu Subramaniya Swamy Thirukkivil,
Thiruparankundram,
Madurai District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the order dated 28.12.2023 in RFL/Thiruparankundram/4/2023 passed by the first respondent and quash the same and consequently direct the first respondent to register the sale deed dated 28.12.2023 in favour of the petitioner.



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For Petitioner : Mr.M.Rajaraman
For Respondents : Mr.S.Shanmugavel
Addl. Govt. Pleader (for R1 and R2)

Mr.V.Chandrasekar
Standing Counsel (for R3)

ORDER

Challenging the impugned Refusal Check Slip issued by the first respondent dated 28.12.2023 in RFL/Thiruparankundram/4/2023, the petitioner has filed the present writ petition. The petitioner has also sought for a direction to the first respondent to register the sale deed dated 28.12.2023 in favour of him.

2.Mr.S.Shanmugavel, learned Additional Government Pleader takes notice for the respondents 1 and 2. Mr.V.Chandrasekar, learned Standing Counsel takes notice for the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner had entered into a sale deed dated 28.12.2023 with one T.K.Lalitha in respect of subject matter



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property. When she had presented the sale deed for registration before the first respondent, the same was refused by the first respondent stating that the said property belongs to the third respondent temple. There is no such record to show that the above said property is the temple's property. Hence, he filed the present writ petition challenging the said refusal check slip.

4.The learned counsel for the petitioner would submit that the first respondent without conducting any enquiry, has issued the impugned refusal check slip and the same is violation of principles of natural justice and hence, it has to be set aside.

5.The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner has straightaway challenged the impugned refusal check slip in this writ petition and she can very well approach the authorities. If she appears before the authorities, her case will be considered in accordance with law.

6. In view of the above submissions, this Court, without expressing any opinion on the merits of the matter, directs the petitioner to approach



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the respondents 1 and 2, who in turn shall conduct an enquiry and after enquiry, they shall pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ Petition stands disposed of. No costs.

18.01.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn

To

1. The Sub Registrar,
Thiruparankundram,
Madurai.

2. The District Registrar,
Madurai District.

3. The Executive Officer,
Arulmigu Subramaniya Swamy Thirukkivil,
Thiruparankundram,
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V.BHAVANI SUBBAROYAN, J.

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