



W.P.(MD)No.3239 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.3239 of 2024

R.Mohanraj

... Petitioner

/Vs./

1. The District Registrar,
Karur District.
2. The Sub Registrar,
Joint No.1 Sub Registrar Office,
Karur, Karur District.
3. The Executive Engineer /
Administrative Officer,
Tamil Nadu Housing Board,
Trichy Housing Unit,
Kaajamalai Colony,
Edamalaipatti Pudur,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating with the impugned refusal check slip dated 30.01.2024 RFL/Joint Sub-Registrar No.1/Karur/6/2024 of the 2nd respondent and quash the same as illegal and consequently directing the 2nd respondent to conduct an enquiry on the letter of the 3rd respondent dated 09.03.2022 after giving opportunity to the petitioner and register the sale agreement deed dated



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30.01.2024 of the petitioner in respect of the property in House Site Plot No.18 in S.No.1404/1 to an extent of 2193-3/4 sq.ft. in Sanapiratti Village, Karur Taluk, Karur District, if claim of the 3rd respondent is negative.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.D.Sadiq Raja

Additional Government Pleader for R1&2

: Mr.M.Suesh,

Standing Counsel for R3

ORDER

This Writ Petition has been filed challenging the refusal check slip dated 30.01.2024 in RFL/Joint Sub-Registrar No.1/Karur/6/2024 of the 2nd respondent, thereby, refused to register the sale agreement deed in respect of the property in house Site Plot No.18, comprised in S.No. 1404/1 to an extent of 2193.75 sq.ft. in Sanapiratti Village, Karur Taluk, Karur District.

2. The petitioner's property in in house Site Plot No.18 comprised in S.No.1404/1 to an extent of 2193.75 sq.ft. in Sanapiratti Village, Karur Taluk, belongs to the petitioner and it was settled in favour of him



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by his mother, vide settlement deed dated 13.07.2011 in Document No. 1376/2011. Though the petitioner had entered into a sale agreement dated 13.07.2011 with the third party and thereby, agreed to sell the subject property, the sale agreement was presented for registration before the second respondent, the second respondent refused to register the sale agreement and issued refusal check-slip on the ground that the third respondent raised objections to deal with the subject property and as such, without consent from the third respondent, no documents can be registered in respect of the subject property.

3. The learned counsel for the petitioner would submit that his mother had valid title over the subject property and she had purchased the subject property by way of a registered sale deed dated 09.09.1982 vide document No.942 of 1982. She was issued patta.

4. On perusal of the counter filed by the third respondent and the submission made, revealed that the property comprised in S.No.1404/1B, 1404/2B1, 1404/2B2, 1404/3A1, 1404/3C1, 1405/1A and 1405/3 situated in Sanapiratti Village, Karur Taluk, to an extent of 19.58 Acres were



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acquired by the third respondent by issuance of notice under Section 4(1) of Land Acquisition Act, 1894, after following the due procedure as contemplated under the Land Acquisition Act. The award enquiry was conducted on 25.08.1986 and passed award on 16.10.1987 in Award No. 4/1987. Accordingly, the compensation was paid to the land owners. The third respondent had taken possession over the acquired land in order to implement the neighbourhood scheme. Thereafter, the entire revenue records have been mutated in the name of the third respondent and peaceful possession and enjoyment of the entire property. It also sanctioned and constructed 59 HIG houses and 27 HIG houses in stage II Senapiratti Phase II at Karur in Survey No.1399, 1400 and 1404. The total extent of the scheme is 12.43 Acres, as per the layout approval in DTCP No.70/98 and also modified layout approval in LP/DTCP No. 212/2000. Subsequently, on 27.06.2005, the entire scheme was handed over to the President of Senapiratti Panchayat for the purpose of facilitating the provision of essential amenities such as roads, street lighting, water supply, sewage disposal and open space.



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5. It seems that the petitioner's mother's vendor had sold out the subject property in this writ petition, which was ear-marked for open space regulations. Therefore, the second respondent had rightly issued refusal check-slip. This Court finds no infirmity or illegality in the order passed by the second respondent. Hence, this Writ Petition stands dismissed. No costs.

06.11.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
LS

TO:-

1. The District Registrar,
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2. The Sub Registrar,
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Karur, Karur District.
3. The Executive Engineer /
Administrative Officer,
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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
06.11.2024