



W.P.(MD)No.5592 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.5592 of 2024

and

W.M.P.(MD)No.5302 of 2024

1. Rajaiah.T
2. Murugan .R
3. Veeranan .A
4. Vanniaraj .K

... Petitioners

/Vs./

1. The Commissioner
HR and CE Department,
Chennai.
2. The Joint Commissioner
HR and CE Department,
Madurai
3. The Executive Officer
Vaidyanathaswamy Thirukovil,
Srivilliputhur,
Virudhunagar District.
4. The District Registrar
58/1, Cutchery Road,
Virudhunagar District.
5. The Sub Registrar
Srivilliputhur.



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6. Tamilnadu Housing Board Officer,
W483 Plus Mwm, 70 Feet Road,
Ellis Nagar,
Madurai 625 016.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th and 5th respondent herein to register the documents relating to any property in the lands in S.No. 43/1 measuring 10.05 acres and 45/1 measuring 18.12 acres Padikasuvaithanpatti Village, Srivilliputhur Taluk and which was subject matter of registered sale deed dated 29.07.1993 vide Document No. 2861/1993 without insisting No Objection Certificate from the respondents 1 and 3 as it was already accorded under section 34 of HR and CE Act, 1993.

For Petitioners : Mr.V.R.Shanmuganathan

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R1&2

: Mr.H.Arumugam for R 4 & 5

ORDER

This Writ Petition has been filed to direct the respondents 4 and 5 herein to register the documents relating to any property in the lands in S.No.43/1 measuring 10.05 acres and 45/1 measuring 18.12 acres Padikasuvaithanpatti Village, Srivilliputhur Taluk, which was subject



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matter of registered sale deed dated 29.07.1993 vide Document No. 2861/1993 without insisting No Objection Certificate from the respondents 1 and 3 as it was already accorded under section 34 of HR and CE Act, 1993.

2. The case of the petitioners is that they purchased a house plot in S.No.43/1 and S.No.43/1, in House No.M-168, vide document No. 2799/2005, dated 26.05.2005, in House No.M-203, vide document No. 6256/2014, dated 01.12.2014, in House No.M-160, vide document No. 6576/2005, dated 30.11.2005 and in House No.L-201, vide document No.6035/2005, dated 24.10.2005 respectively, TNHB Colony, Vanniyampatti Vilakku, Padikkasuvaithanpatty, Srivilliputhur Taluk, Virudhunagar District. Thereafter, the petitioners decided to sell the property to one Venkateshan. In this regard, when the petitioners presented the sale deed for registration, the same has been refused to register. Hence, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that the entire land of the subject property was purchased by the Tamil Nadu



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Housing Board from the third respondent temple as early as on 29.07.1993 vide registered Doc No.2861/1993. Pursuant to the same, the Housing Board had developed the house site and various plots have been sold to the third parties. One such third party, namely, Rakkappan, purchased the subject property on 25.04.2014 from the Housing Board. Subsequently, the said Rakkappan sold the same to the petitioner's vendor, from whom the petitioners have purchased the said property and thereafter, he executed a sale deed in favour of one Venkateshan and the same was presented for registration, the registering authority refused the same.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that based on the objection raised by the other respondents, the petitioners' documents have not been registered.

5. The learned counsel for the respondents 3 to 6 now would submit that he has no objection for registering the petitioners documents.



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6. A perusal of the document and encumbrance certificate available on record it shows that the third respondent temple sold the property to the Tamil Nadu Housing Board on 29.07.1993 and thereafter, the Housing Board developed the plots and sold to several persons. Subsequently, the petitioner has purchased the subject property from his predecessors. In such view of the matter, merely based on the objection raised, the document cannot be refused to be registered. Accordingly, the registering authority is directed to register the petition mentioned documents within a period of one week from the date of receipt of a copy of this order.

7. With the above observation, the Writ Petition is allowed.
No costs. Consequently, connected Miscellaneous Petition is closed.

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

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G.K.ILANTHIRAIYAN, J.

LS

TO:-

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Order made in
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Dated:
06.11.2024