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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.7596 of 2024

S.Ravikumar ... Petitioner

Vs

1.The District Registrar,
Madurai North Registration District,
Combined complex for Registration,
Rajakambeeram,
Othakadai,
Madurai – 625 107.

2.The Sub-Registrar,
Vilangudi Sub-Registration Office,
Madurai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip dated 22.02.2024 issued by the second respondent and quash the same as illegal and consequently direct the second respondent to register the settlement deed of the petitioner in respect of the property in Survey No.111/11 (Patta No.1700) of Paravai Village, Madurai North Taluk, Madurai District on the basis of the petitioner's representation dated 04.03.2024.

(Prayer amended vide order dated 10.06.2024 in W.M.P(MD)No.8279 of 2024)

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For Petitioner : Mr.M.Sankar

For Respondents : Mr.M.Sarangan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the refusal check slip dated 22.02.2024 issued by the second respondent thereby refusing to register the settlement deed of the petitioner in respect of the property comprised in Survey No.111/11 under Patta No.1700 situated at Paravai Village, Madurai North Taluk, Madurai District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner had purchased the property comprised in Survey No.111/11 (Patta No.1700) to an extent of 1500 square feet situated at Paravai Village, Madurai North Taluk, Madurai District by way of registered sale deed, vide Document No.2040. Thereafter, obtained building permission and constructed a house admeasuring 1500 square feet. Originally, the subject property and other property comprised in old Survey Nos.248/2, 3, 4, 5 & 6 were

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purchased by Shri Meenakshi Mills Limited. While being so, on 23.11.2001 M/s.Gujarat Heavy Chemicals Limited entered into an agreement with Sri Meenakshi Mills Limited for the purchase of the said property. As per the order passed by the Board for Industrial and Financial Reconstruction (BIFR), M/s.Gujarat Heavy Chemicals Limited had taken possession of the entire property on 01.04.2022 from Sree Meenakshi Mills Limited. Thereafter, in order to develop the same, after obtaining necessary permission from the local authority, subdivided into plots and sold in favour of the third parties. Accordingly, the petitioner had purchased the plots and constructed a house. Thereafter, the petitioner executed a settlement deed in favour of his son and presented the same for registration. However, it was rejected and issued a refusal check slip dated 22.02.2024.

4.The learned Special Government Pleader appearing for the respondents would submit that originally the subject property was exempted from the Tamil Nadu Land Reforms Act, 1961, belonged to Shree Meenakshi Mills Limited. By Government Order No.1012, dated 03.12.1993 under Section 37A of the Tamil Nadu Land Reforms Act, the subject property has been sold out violating

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the Act under Section 20 of the Tamil Nadu Land Reforms (Land Ceiling) Act, 1961. Thereafter, Shree Meenakshi Mills Limited went in sick and the entire company and its property had been taken over by M/s.Gujarat Heavy Chemicals Limited under the Sick Industrial Companies (Special Provisional) Act, 1985 (Act No.1 of 1986). Therefore, an enquiry was conducted by the Revenue Divisional Officer and directed M/s.Gujarat Heavy Chemicals Limited to produce all the sale deeds in respect of the lands which were sold out in favour of the third parties. During the enquiry, except the property comprised in Survey No.108/1, other lands were subdivided and sold out to various third parties. Therefore, objections were raised before the Registering Authority. Further, the Revenue Divisional Officer, Madurai also conducted a detailed enquiry and found that no permission was obtained as contemplated under Section 37A of the Tamil Nadu Land Reforms (Land Ceiling) Act, 1961 and recommended to cancel the sale deeds as contemplated under Section 20 of the Tamil Nadu Land Reforms (Land Ceiling) Act, 1961. Therefore, the District Revenue Officer by its communication dated 25.09.2024, recommended for passing an order to cancel the sale deeds as contemplated under Section 20 of the Tamil Nadu Land Reforms (Land Ceiling) Act, 1961 to the Director of Land Reforms, Chennai.

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5.Therefore, the purchase of the subject property by the petitioner itself is under question and as such, the subsequent settlement deed cannot be registered and the second respondent rightly rejected the document which was presented for registration by issuing a refusal check slip dated 22.02.2024.

6.In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent, dated 22.02.204. Therefore, the Writ Petition itself is devoid of merits and the same is liable to be dismissed.

7.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

07.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P(MD)No.7596 of 2024

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