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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20338 of 2022

N.Anuradha ... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 28.

2.The District Collector,
Theni, Theni District.

3.The Tahsildar,
Theni,
Theni District.

4.The Sub - Registrar,
Theni,
Theni District.

5.M.Irfana Barveen

6.S.P.Nagarajan ... Respondents
(R6 is impleaded vide order dated 13.03.2024 in W.M.P.(MD)No.5800 of 2024 in W.P.(MD)No.20338 of 2022 by GRSJ)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the

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records relating to the impugned refusal check slip issued by the 4th respondent in his proceedings RFL/Theni/14/2022 dated 05.08.2022 and quash the same and consequently direct the 4th respondent to register the sale deed dated on 04.08.2022 executed by petitioner in favour of 5th respondent without insisting production of No Objection Certificate from the 3rd respondent within the time fixed by this Court.

For Petitioner : Mr.R.Chandrasekar

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate for R1 to R4.
Mr.D.Balamurugapandi for R6.

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 4 and the learned counsel for the impleaded sixth respondent.

2.The writ petitioner herein purchased a piece of property vide sale deed dated 17.05.2007 (Document No.3440/2007). The petitioner is also having a joint patta in her favour. Copy of Patta No.22 has been enclosed in the typed set of papers. Now the petitioner wants to sell the property. When the sale deed was presented for registration, registration was refused on the ground that the land is a panjami land. Challenging the same, this writ petition came to be filed.

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3.The petitioner claims title on the strength of a registered document. She is also having a revenue patta in her favour. Therefore, it is not open to the authorities to now claim that it is a panjmi land. If according to the authorities, the land is a panjmi land, it is always open to them to resume the same in the manner known to law. This power available to the authorities can never be denied. But for that reason, the registration need not be refused or deferred.

4.It is true that the impleaded respondent is having a rival claim. But then, the title deed of the impleaded respondent appears to be subsequent in point of time. The impleaded respondent also does not have patta in his favour. Therefore, as against the petitioner herein, the impleaded respondent has to establish his case before the jurisdictional Civil Court.

5.In this view of the matter, the impugned refusal check slip is set aside and the writ petition is allowed. The petitioner is permitted to re-present the document. It shall be registered and released subject to fulfilment of other usual formalities. No costs.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To:-

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No.100, Santhome High Road,
Chennai 28.

2.The District Collector,
Theni, Theni District.

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Theni District.

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