



W.P(MD)No.19902 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.19902 of 2019

and

W.M.P(MD)No.16400 of 2019

J.Saravanakumar

... Petitioner

Vs

1.The Joint Sub Registrar,
Joint – II, Melur Road,
Sivagangai – 630 561.

2.The Central Bureau of Investigation,
Through its Deputy Inspector General,
Bhubaneshwar – 751 012.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned Memo in Aaivu Kurippuchettu No.2/2019 dated 12.09.2019 on the file of the first respondent and quash the same as illegal and further direct the first respondent to register the sale agreement dated 10.09.2019 executed by the petitioner in respect of the property in S.No.16/2 situated in Kadambankulam Group, Navithan Usilankulam Village, Sivagangai District.



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For Petitioner : Mrs.Selva Aditya
for Mr.G.Prabhu Rajadurai

For R – 1 : Mr.S.P.Maharajan
Special Government Pleader

For R – 2 : Dr.M.D.Poornachari
Standing Counsel

ORDER

This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the first respondent dated 12.09.2019, thereby refusing to register the agreement for sale dated 10.09.2019 for registration in respect of the property comprised in Survey No.16/2 situated at Kadambankulam Group, Navithan Usilankulam Village, Sivagangai 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 to the extent of 33 acres of punja land comprised in several survey numbers situated at Kadambankulam Group, Navithan Usilankulam



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Village, Sivagangai District from M/s.Sastra Enterprises Limited by the registered sale deed dated 14.12.2010 through its power of attorney. Thereafter, the petitioner laid out the subject land and converted it into house sites in respect of some extent of the property. Thereafter, all the house plots were sold out in favour of various third parties. The remaining land admeasuring 6.06 acres is only available with the petitioner. The petitioner entered into an agreement for sale with one Rajasekar to an extent of 50 cents dated 10.09.2019. It was presented for registration. However, the first respondent refused to register the same on the ground that the second respondent submitted a letter saying that the said property is required on the ground that the petitioner's vendor was involved in a criminal case that too in the State of Orissa.

4.On instructions, Mr.Dr.M.D.Poornachari, learned Standing Counsel appearing for the second respondent would submit that a criminal case was registered as against M/s.Sastra Enterprises and it was ended in conviction and sentenced all the accused persons, which were also completed. However, the subject property is not all attached in any of the proceedings.



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5.In view of the above, the impugned refusal check slip dated 12.09.2019 issued by the first respondent cannot be sustained and it is liable to be quashed.

6.Accordingly, the impugned refusal check slip dated 12.09.2019 issued by the first respondent is quashed. The petitioner can deal with the property comprised in Survey No.16/2 situated at Kadambankulam Group, Navithan Usilankulam Village, Sivagangai District.

7.With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

12.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The Joint Sub Registrar,
Joint – II, Melur Road,
Sivagangai – 630 561.
- 2.The Central Bureau of Investigation,
Through its Deputy Inspector General,
Bhubaneshwar – 751 012.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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12.12.2024