



W.P.(MD)No.20792 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20792 of 2018
and W.M.P.(MD)Nos.18557 to 18559 of 2018

N.Arulkumar

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai.

2.The District Registrar,
Ariyalur Registration District,
Ariyalur.

4.The Sub Registrar,
Uppiliapuram Sub-Registrar Office,
Uppiliapuram,
Trichy District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records comprised in the impugned Check slip dated 10.05.2018 issued by the 3rd respondent and quash the same as arbitrary, illegal and ultra vires the scheme of Registration Act, 1908 and consequently, direct the 3rd respondent to register the sale deed dated 10.05.2018 presented by the petitioner.



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For Petitioner : Mr.Raguvaran Gopalan
For Respondents : Mr.C.Satheesh,
Govt Advocate.

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Check slip dated 10.05.2018, issued by the 3rd respondent and quash the same as arbitrary, illegal and ultra vires the scheme of Registration Act, 1908 and consequently, direct the 3rd respondent to register the sale deed dated 10.05.2018 presented by the petitioner.

2. The case of the Writ Petitioner is that the property in S.No.93/5 in Patta No.1155, situate in Thenparanadu Village, Pachamalai Hills, Thuraiyur Taluk, was originally purchased by his father in the year 1968. After he died intestate, a suit was filed in O.S.No.111 of 1994 for partition. The same has been decreed and the said property has been allotted to the petitioner in a final decree proceedings. Based on that right, when the petitioner executed a sale deed and presented for registration, the third respondent has refused to register same on the



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ground that a Writ Petition in W.P.(MD)No.22020 of 2017 filed by Tamil Nadu Scheduled Tribe (Malayali) Peravai, is pending and also on the ground that there is no clarity in the issue. Hence, the petitioner has filed this Writ Petition.

3. A counter affidavit has been filed by the respondents, in which it is stated that the Government has constituted a committee to collect the details with regard to the Panjami lands sold out by those belongs to Scheduled Caste and Scheduled Tribes to non tribals. Due to the pendency of the report, the respondents could not register any document and after report of the committee only, a decision could be taken.

4. Heard the submissions of both sides and perused the materials available on record.

5. The impugned refusal check slip itself indicates that the respondents have no clear view about the the lands. Whereas, the refusal slip has been passed citing the pendency of the Writ Petition in W.P.(MD)No.22020 of 2017. However, the said Writ Petition was disposed of by a Division Bench of this Court by an order dated 22.01.2024, directing the Writ Petitioner therein to approach the



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Tahsildar, Thuraiyur Taluk, Tiruchirappalli, with a fresh representation and on receipt of the same, the Tahsildar, shall enquire if there is any violation of the conditions of assignment of lands in favour of the beneficiaries and pass orders, after providing opportunities to the parties concerned. It is relevant to note that the sale in favour of the non-tribals will apply only in respect of the assigned lands and not all the lands originally held by the tribal himself. This issue also cannot be ignored altogether. When the authorities not even have any record to show that these are only assigned lands, the document cannot be refused to be registered. The subject property was purchased in the year 1968 itself and the same has been in continues possession of the petitioner's family.

6. In such view of the matter, without any definite conclusion in this regard, mere citing a pendency of the Writ Petition and without having any clear idea about the nature of the lands, the document cannot be refused to register. Accordingly, the impugned check slip dated 10.05.2018 issued by the third respondent stands quashed and the third respondent is directed to be registered the sale deed dated 10.05.2018 presented by the petitioner, within a period of seven days from the date of receipt of a copy of this order.



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

08.08.2024

NCC : Yes/No
Index : Yes/No
vsm

To

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Santhome,
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Ariyalur.
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