



W.P.(MD)Nos.22745 to 22749 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 24.04.2024

DELIVERED ON : 14.06.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)Nos.22745 to 22749 of 2021

and

W.M.P.(MD)No.19237 of 2021

W.P.(MD)No.22745 of 2021:

Kirubavathi Kavith

... Petitioner

Vs.

The Sub Registrar,
Tirupattur,
Sivagangai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in impugned Memo No.12/2021, dated 23.11.2021 of the respondent, quash the same and consequently direct the respondent herein to register the power of attorney document or other documents presented by the petitioner for registration as well as for re-registration of the property in plot No.67 in Patta No.3173 in GR



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survey No.268/34 (old survey No.268, 268/1, 268/3), plot No.68 and 69 in Patta No.3107 in GR survey No.268/31 (old survey No.268, 268/1, 268/3) and a plot No.C-42 in Patta No.3107 in GR survey No.268/34 (old survey No.268, 268/1, 268/3) in S.M. Hospital compound, Tirupattur in the light of the order dated 18.09.2015 in W.P.(MD)No. 15416 of 2015 and order dated 15.06.2021 in W.P.(MD)No.7993 of 2021.

W.P.(MD)No.22746 of 2021:

B.Sheela

... Petitioner

Vs.

The Sub Registrar,
Tirupattur,
Sivagangai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in impugned Memo No.2/2021, dated 21.04.2021 of the respondent, quash the same and consequently direct the respondent herein to register the power of attorney document or other documents presented by the petitioner or petitioner's Principal for registration as well as for re-registration of the property in plot No.MTR 1 in Patta No.3116 in GR new survey No.280/3H (old survey No.280/3 and Survey No.287/4 in S.M. Hospital compound, Tirupattur, Sivagangai District, in the light of the order dated 18.09.2015 in W.P.



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(MD)No.15416 of 2015 and order dated 15.06.2021 in W.P.(MD)No. 7993 of 2021.

W.P.(MD)No.22747 of 2021:

M.Rahamattulla

... Petitioner

Vs.

The Sub Registrar,
Tirupattur,
Sivagangai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in impugned Memo No.10/2021, dated 23.11.2021 of the respondent, quash the same and consequently direct the respondent herein to register the power of attorney document or other documents presented by the petitioner for registration as well as for re-registration of the property in plot No.B 33 in GR Patta No.3094 in GR Survey No.268/18 (old Survey No.268, 268/1, 268/3) in S.M. Hospital compound, Tirupattur, Sivagangai District, in the light of the order dated 18.09.2015 in W.P.(MD)No.15416 of 2015 and order dated 15.06.2021 in W.P.(MD)No.7993 of 2021.

W.P.(MD)No.22748 of 2021:

S.Rooban Maickaraj

... Petitioner



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Vs.

The Sub Registrar,
Tirupattur,
Sivagangai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in impugned Memo No.10/2021, dated 23.11.2021 of the respondent, quash the same and consequently direct the respondent herein to register the power of attorney document or other documents presented by the petitioner for registration as well as for re-registration of the property situated in plot No.7 in patta No.3110 in GR survey No.280/3B (old Survey No.280/3 part) in S.M.Hospital compound, Tirupattur, vide registered sale deed Document No.1771 of 2015, dated 19.06.2015 in the light of the order dated 18.09.2015 in W.P.(MD)No.15416 of 2015 and order dated 15.06.2021 in W.P.(MD)No.7993 of 2021.

W.P.(MD)No.22749 of 2021:

M.Premkumar Printhiviraj

... Petitioner

Vs.

The Sub Registrar,
Tirupattur,
Sivagangai District.

... Respondent



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in impugned Memo No.11/2021, dated 23.11.2021 of the respondent, quash the same and consequently direct the respondent herein to register the power of attorney document or other documents presented by the petitioner for registration as well as for re-registration of the property situated in plot No.3 in GR Patta No. 3112 in GR survey No.280/3D (old Survey No.280/3 part) in S.M. Hospital compound, Tirupattur, Sivagangai District, in the light of the order dated 18.09.2015 in W.P.(MD)No.15416 of 2015 and order dated 15.06.2021 in W.P.(MD)No.7993 of 2021.

For Petitioner
in all petitions : Mr.T. Pon Ramkumar

For Respondent
in all petitions : Mr.M.Prakash
for Mrs.D.Farzana Ghowsia
Special Government Pleader :

COMMON ORDER

The Writ Petitions in W.P.(MD)Nos.22745, 22747 to 22749 of 2021 are directed against the impugned orders in Memo Nos.12, 10, 9 and 11, dated 23.11.2021 and the Writ Petition in W.P.(MD)No.22746 of 2021 is directed against the impugned order in Memo No.2 of 2021,



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dated 21.04.2021, on the file of the respondent and for direction to the respondent to register the documents presented for registration as well as for re-registration of the property situated in S.M. Hospital compound, Tirupattur Taluk, Sivagangai District, in the light of the order dated 18.09.2015 in W.P.(MD)No.15416 of 2015 and the order dated 15.06.2021 in W.P.(MD)No.7993 of 2021.

2. The case of the petitioners is that Swedish Mission Hospital at Tirupattur was established in the year 1909 by Sweeden people with an object to serve the poor and downtrodden general public and the same was handed over to the Tamil Evangelical Luthern Church Institution (TELC), that the fund from Sweedish people was stopped in 2000, that the TELC was not in a position to pay the salary to their employees, that some of the employees were agitated and some of them have approached the Labour Court for settling their dues and that the Church Council has passed a resolution deciding to sell the unused and unproductive lands and vacant sites in the S.M.Hospital quarters and to give preference to their staffs and the members of the Church.



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3. In W.P.(MD)No.22745 of 2021, the petitioner's mother Chandra was working in the S.M. Hospital and in pursuance of the Church Council resolution, she purchased a Plot No.67 on 27.05.2004 in the name of the petitioner, that the petitioner's mother has also purchased Plot Nos.68 and 69 in the name of the petitioner and that the petitioner has purchased a plot No.C-42 on 29.07.2016. In W.P.(MD)No.22746 of 2021, the petitioner's husband purchased a plot No. MTR 1 on 19.06.2015. In W.P.(MD)No.22747 of 2021, the petitioner purchased a Plot No.B33 on 01.06.2016. In W.P.(MD)No.22748 of 2021, the petitioner purchased a plot No.7 on 19.06.2015. In W.P.(MD)No.22749 of 2021, the petitioner purchased a plot No.3 on 19.06.2015. The above purchasers have obtained patta and have been in possession and enjoyment of the purchased property since their purchase.

4. It is not in dispute that a Public Interest Litigation came to be filed by one Mr.E.A.Chandrasekaran in W.P.No.11679 of 2017 before this Court seeking a Writ of Mandamus directing the Registering Authorities not to register any TELC properties without permission of



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the Court and this Court vide order dated 04.05.2017 in W.M.P.(MD)No. 12710 of 2017 directed the Registering Authorities not to register any document and on the basis of the said order, the Inspector General of Registration, Chennai, has issued a circular dated 24.05.2017 directing all the Sub-Registrars not to register any document without the permission of the Court.

5. It is also not in dispute that one Baggiyavathi Nesa Regina and Ruby Evangeline filed writ petitions in W.P.(MD)Nos.7993 and 7995 of 2021 before this Court, challenging the order of the respondent, whereby refused to register the documents relying on the aforesaid circular dated 24.05.2017 of the Inspector General of Registration, Chennai and a learned Judge of this Court, vide order dated 15.06.2021 allowed the writ petitions and thereby setting aside the order of the respondent and directed the respondent to register the documents and that the above orders came to be implemented.

6. The case of the writ petitioners is that when the petitioners had submitted their documents for registration, the respondent has issued the



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impugned orders in memos above referred, refusing to register the documents citing the circular of the Inspector General of Registration, Chennai, dated 24.05.2017 and the orders passed in W.M.P.(MD)No. 12710 of 2017 in W.P.(MD)No.11679 of 2017.

7. As already pointed out, this Court in connected cases, by quashing the orders refusing to register the documents, has directed the Registering Authority to register the documents. In the writ petition in W.P.(MD)No.7993 of 2021, a learned Judge of this Court has observed as follows:

“7. The learned Government Advocate (Civil) appearing on behalf of the respondents submitted that the respondents had merely relied upon the Circular issued by the Inspector General of Registration and whatever properties that belonged to the T.E.L.C. was restrained from being entertained for registration. The learned counsel further submitted that the petitioner also falls within the same parameters as that of the petitioner in W.P.(MD) No.21937 of 2018 and the claim made by the petitioner will be considered by the respondents.



8. *In the present case, the property has been dealt with from the year 2004 onwards and the petitioner is in possession and enjoyment of the same and a patta has also been issued in the name of the petitioner. Taking into consideration the fact that the transaction had taken place many years ago and the subsequent order of the Hon'ble Division Bench and the consequent Circular issued by the Inspector General of Registration cannot relate back to past transactions and a stand was taken to that effect in the earlier writ petition and this Court passed an order on 26.04.2018 permitting the registration of the documents, the same benefit will also enure in favour of the petitioner.*

9. *In view of the above discussion, there shall be a direction to the second respondent to entertain the documents presented for registration by the petitioner, it is otherwise in order and if the necessary stamp duty and registration charges are paid. The documents shall be released after registration."*

8. The above decision is squarely applicable to the case on hand.

Except the reasons above mentioned, the respondent has not assigned any other reason for refusing to register the documents. As rightly



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pointed out by the learned Judge of this Court, the properties have been dealt with from 2004 onwards, that the petitioners have purchased the properties and are in possession and enjoyment of the same. The circular issued by the Inspector General of Registration consequent to the directions of the Division Bench of this Court cannot relate back to past transactions.

9. Considering the above and also taking note of the decision rendered in connected cases, this Court has no hesitation to hold that the impugned orders refusing to register the documents cannot legally be sustained and as such, the impugned orders are liable to be set aside.

10. In the result, all the Writ Petitions are allowed and the impugned orders passed by the respondent in Memo Nos.12, 10, 9 and 11, dated 23.11.2021 and Memo No.2 of 2021, dated 21.04.2021 are set aside. The respondent is directed to entertain the documents presented for registration by the petitioners, if they are otherwise in order and if necessary stamp duties and registration charges are paid. The respondent is further directed to release the documents after registration.



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Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

14.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

The Sub Registrar,
Tirupattur,
Sivagangai District.



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K.MURALI SHANKAR,J.

SSL

PRE-DELIVERY ORDER MADE IN

**W.P.(MD)Nos.22745 to 22749 of 2021
and
W.M.P.(MD)No.19237 of 2021**

14.06.2024