



W.P(MD)No.25144 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.25144 of 2024

C.Ravi

... Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.

2.The District Registrar,
Tanjavur District Registrar Office,
Tanjavur.

3.The Joint I Sub Registrar,
Kumbakonam sub Registrar Office,
Kumbakonam,
Thanjavur.

... 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 check slip passed by the third respondent in refusal No.RFL/No.1 Sub Registrar Kumbakonam/108/2024, dated 01.10.2024 and quash the same and consequently direct the third respondent to register the sale deed executed by the petitioner, dated 15.08.2024.

For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

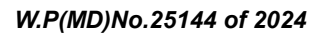


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that the interim order passed by the Hon'ble Division Bench of this Court in W.M.P.No.12710 of 2017 in W.P.No.11679 of 2017 thereby issued direction not to register any sale deed in respect of the property belongs to Tamil Evangelical Lutheran Church.

3.The learned counsel appearing for the petitioner would submit that the subject property is no longer owned by the Church. Already, the Church had sold the property in favour of the petitioner and now, the petitioner decided to sell it to a third party. That apart, the Church had executed power of attorney in favour of one Sakthiswaminathan and the same was duly registered on 04.04.2024 vide Document No.1891 of 2024. The said power of attorney had executed a sale deed in favour of the petitioner. That apart, the main Writ Petition itself in W.P.No.11679 of 2017 was dismissed as withdrawn by order dated 27.07.2017. Therefore, no interim order is pending and even then, the third respondent mechanically refused to register the sale deed which was presented for registration.

4.On instructions, Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents would submit



5. Heard the learned counsel appearing on either side
d the materials placed before this Court.

<https://www.mhc.tn.gov.in/judis>
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29.03.2023 and directed the registering authority to register the document which was presented for registration in respect of the property belonged to the Tamil Evangelical Lutheran Church. Though it is under challenge before the Hon'ble Division Bench of this Court, it is pending without any interim order. That apart, the Tamil Evangelical Lutheran Church, by its communication, dated 11.09.2024 in respect of the subject property, had given no objection for registering the document. Though the Tamil Evangelical Lutheran Church had no say in respect of the subject property, the Tamil Evangelical Lutheran Church had already dealt with the subject property in favour of the petitioner and the Tamil Evangelical Lutheran Church had given no objection certificate, the interim order passed by the Hon'ble Division Bench of this Court and the Circular issued by the Inspector General of Registration cannot be a bar for registering any document in respect of the subject property, since it was already registered and thereafter, the sale deed was executed in favour of the petitioner that too through power agent. Already the power of attorney document was registered in favour of the petitioner. In view of the above, the impugned check slip issued by the third respondent cannot be sustained and the same is liable to be quashed.



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7. Accordingly, the impugned check slip issued by the third respondent, dated 15.08.2024 is quashed. The petitioner is directed to represent the sale deed for registration before the third respondent and on receipt of the same, the third respondent is directed to register and release the same forthwith.

8. With the above direction, this Writ Petition is allowed.
There shall be no order as to costs.

18.11.2024

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

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No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.
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G.K.ILANTHIRAIYAN, J.

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Order made in
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