



WEB COPY

WP No. 3831 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 3831 of 2025

1. M.Rajendran

S/o.Late.Mahali @ Mahaliappan,
No.48/2, West Street, Savundappur
Village, Gobichettipalayam Taluk,
Erode District-638502

2.K.Selvamani

W/o.Late.Kanagaran, Door No.48, West
Street, Savundappur Village,
Gobichettipalayam Taluk, Erode
District-638 502

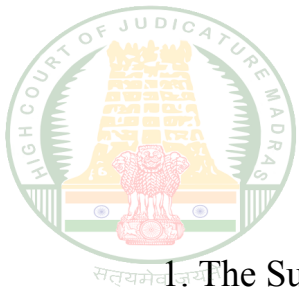
3.K.Praveen Kumar

S/o.Late.Kanagaran, Door No.48, West
Street, Savundappur Village,
Gobichettipalayam Taluk, Erode
District-638 502

4.K.Priyadharshini

D/o.Late.Kanagaraj, Door
No.6/213/6/98,pudhumanthada, Kethi
Post, Kunoor Taluk, Nilgiris District-
643 215

Petitioner(s)



Vs

1. The Sub Registrar

Office Of The Sub Registrar, Anthiyur,
Erode District

2. The Assistant Commissioner

(land Reforms), Erode.(r2-suo Motu

Impleaded As Per Order Dated

07.02.2025 In Wp.3831/2025 By Navj)

Respondent(s)

PRAYER

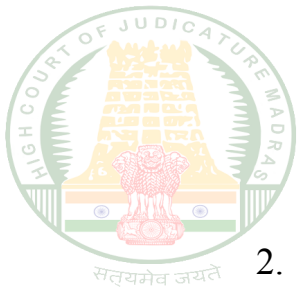
Writ petition has been filed for the issue of writ of Certiorarified Mandamus calling for the records relating to the respondent in Refusal Check slip No.RFL/Anthiyur/3/2025 dated 20.1.2025 and quash the same and consequently direct the respondent to register the sale deed presented by the petitioners in Token No.TP/207195426/2025 dated 20.1.2025 for registration

For Petitioner(s): V. Karthikeyan

For Respondent(s): Mr. B.Vijay, Additional
Government Pleader for R1
Mr. A. Selvendran SGP Takes
Notice For R2.

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the 1st respondent dated 20.01.2025 and for a consequential direction to the respondents to register the sale deed dated 20.01.2025 presented



2. Heard Mr.V.Karthikeyan, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for 1st respondent and Mr.A.Selvendran, learned Special Government Pleader for 2nd respondent.

3. The case of the petitioners is that the subject property was assigned in favour of their mother Pechiyammal by the Assistant Commissioner of Land Reforms under Rule 8(6) of the Tamil Nadu Land Reforms (Disposal of surplus Land) Rules, 1965 (*hereinafter called as the Rules*) for a sale consideration of Rs.728.15 which was payable in fifteen equal annual instalments. It is further claimed that this assignment of land had taken place in the year 1989 itself. But however the deed of assignment came to be executed only on 31.01.1997. Both the parents died leaving behind the petitioners, who are the surviving legal heirs and who have inherited the property . They wanted to sell the property in favour of One Suresh and accordingly a sale deed dated 20.01.2025 was executed and it was presented for registration before the respondent. The respondent has refused to register the sale deed by issuing the impugned refusal check slip on the ground that the property in question is governed by conditional patta. Aggrieved by the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the property in question has absolutely vested in favour of the assignee. Since the period of 20 years as



provided under Clause 8 has already expired in the year 2017, it is almost 27 years since the assignment was made in the name of the petitioners mother.

Since assignment was involved in this case, this Court suo-motu impleaded the 2nd respondent and directed the learned Additional Government Pleader to take notice and to get instructions. Accordingly, the learned Additional Government pleader has received the written instructions to the effect that under the Special condition in RSO 15, the assignment land cannot be alienated for a period of 10 years from the date of assignment and in the event, the assignee wants to disburse that land even after the said period, he should get the prior permission of either the Tahsildar or the RDO, who can give permission if the sale is for one of the categories, eligible for assignment of Government waste lands for cultivation purposes.

5. The said RSO that is relied upon by the 2nd respondent will not apply to the facts of the present case. In the case in hand, the deed of assignment was made in line with Rule 8(6) of the Rules. The conditions are governed by those conditions which have already been incorporated in the deed of assignment. The only condition which is mandatory in the case in hand is that 20 years period must have been expired after the assignment is made to enable the assignee to deal with the property. It must be borne in mind that the assignment was made for a consideration payable by the mother of the petitioners in instalments and the said consideration has also been paid.

Therefore, this assignment cannot be equated to other assignments made by



granting free house site patta or assignments that are made in favour of persons belonging to the depressed classes. In such an event, even after the expiry of the period, the sale can be made only in favour of persons belonging to the depressed classes. That will not apply to the case in hand. In other words, the parties are purely governed by the assignment deed that was granted in favour of the petitioners mother on 31.01.1997. Therefore, it is not necessary to get any no objection certificate for the parties to deal with the property.

6. In the light of the above discussion, the impugned refusal check slip dated 20.01.2025 is hereby quashed and there shall be a direction to the 1st respondent to register the sale deed, if it is otherwise in order.

7. This writ petition is allowed with the above directions. No costs.

05-03-2025

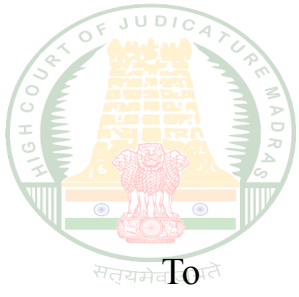
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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