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W.P.No.3289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.3289 of 2025

W.M.P.No.3648 of 2025

C.A.Palanisamy

...Petitioner

Vs

1.The Sub Registrar,
Nambiyur Sub Registrar Office,
Nambiyur,
Erode District.

2.The Assistant Commissioner,
Hindu Religious and Charitable,
Endowment Department,
Ex-Servicemen Complex,
Erode.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 30.05.2024 made in Na.ka. No. 53/ 2023 passed by the 1st respondent and consequently direct the 1st respondent to register the sale deed dated 24.11.2022 (P. Doc. No.5 / 2023) in respect of the lands measuring 1.68 acres bearing new. S.F. No.526/2, Kosanam A Village, Nambiyur Taluk, Erode district and release the original sale deed.



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For Petitioner : Mr.N.Manoharan

For Respondents : Mr.C.Sathish,
Government Advocate for R1
Mr.S.Ravichandran(For R2)
Additional Government Pleader

ORDER

The Writ Petition is filed for the following relief:-

To call for the records relating to the impugned order dated 30.05.2024 made in Na.ka. No. 53/ 2023 passed by the 1st respondent and consequently, direct the 1st respondent to register the sale deed dated 24.11.2022 (P. Doc. No.5 / 2023) in respect of the lands measuring 1.68 acres bearing new S.F.No.526/2, Kosanam A Village, Nambiyur Taluk, Erode district and release the original sale deed.

2.The petitioner's vendor's are the legal representatives of one Appachi Gounder. After the demise of Appachi Gounder, his legal representatives had filed a suit for partition in O.S.No.170 of 1986 which was decreed and ultimately a final decree was passed in I.A.No.548 of 1988 on 25.04.1991. The decree holders therein had filed execution proceedings in E.P.No.74 of 1996 and delivery of possession was taken through the said warrant executed by the senior bailiff on 12.09.1996.



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Thereafter, the revenue records were mutated in the record. On 30.04.2018, the petitioner had entered into a sale agreement with the decree holders pursuant to which five sale deeds were executed and presented for registration before the first respondent. The sale deeds were returned and five refusal check slips were issued. Challenging the same, the petitioner had filed W.P.Nos.32080 to 32084 of 2022 and this Court was pleased to set aside the order and directed the first respondent to register the same by order dated 30.11.2022. Pursuant to the order, the first respondent had registered four sale deeds, but refused to register the fifth sale deed dated 24.11.2022 and allotted a pending document No.5 of 2022. The first respondent had sent a notice to the second respondent to which no objections were issued. Thereafter, the impugned order dated 30.05.2024 has been passed and this order has been served on the petitioner only on 20.01.2025. The reason for the refusal is the want of NOC from the second respondent. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsels on either sides and perused the records. The learned Government Advocates takes notice on behalf of the respondents 1 and 2.



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4.The respondents have registered four sale deeds which have been executed pursuant to the agreement of sale. This Court by order dated 30.11.2022 in W.P.Nos.32080, 32081, 32082, 32083 and 32084 of 2022 had directed the documents to be registered. The earlier refusal was on the ground that the petitioner had not produced records to show if an appeal had been filed. The order directed all the five sale deeds to be registered. However, this sale deed has been singled out. The second respondent has not made any claim over the property and the first respondent who has registered four documents already is not justified in not registering this document. Therefore, the Writ Petition is allowed and mandamus is issued to the first respondent to register the sale deed dated 24.11.2022 which is now allotted pending document No.5/2023 within a period of four weeks from the date of receipt of copy of this order.

5.With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2025

Index : Yes/No
Internet : Yes/No



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Speaking Order/Non Speaking Order
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To

- 1.The Sub Registrar,
Nambiyur Sub Registrar Office,
Nambiyur,
Erode District.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable,
Endowment Department,
Ex-Servicemen Complex,
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