



Writ Petition No.5157 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.5157 of 2025

and

W.M.P.No.5731 of 2025

S.Sivakumar

S/o.Somasundaram

... Petitioner

Vs.

1.The District Registrar,
Coimbatore District,
Coimbatore.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Coimbatore District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department,
Coimbatore, Coimbatore District.

4.The Joint Sub-Registrar No.1,
Office of the Joint Sub-Registrar I,
Rajaveedhi, South Coimbatore,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the fourth respondent herein pertaining to his proceeding



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in RFL/Joint Sub Registrar South Coimbatore/249/2024 dated 31.12.2024 and quash the same and further direct the fourth respondent herein to register the Settlement Deed and return the same to the petitioner.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.R.Sasikumar,
Government Advocate [R1 & R4]
Mr.S.Ravichandran
Additional Government Pleader
[R2 & R3]

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 31.12.2024 issued by the fourth respondent and for a consequential direction to the fourth respondent to register the document presented for registration by the petitioner.

2. Heard Mr.M.Selvam, learned counsel for petitioner, Mr.R.Sasikumar, learned Government Advocate appearing for respondents 1 and 4 and Mr.S.Ravichandran, learned Additional Government Pleader appearing for respondents 2 and 3.



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3. When the writ petition came up for hearing on 19.02.2025, this Court passed the following order:

"Mr.R.Sasikumar, learned Government Advocate, appearing for respondents 1 and 4.

2. Mr.S.Ravichandran, learned Additional Government Pleader, takes notice for respondents 2 and 3.

3. Learned counsel for petitioner submitted that the issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in W.P.No.1517 of 2015, dated 04.03.2015 and that this writ petition pertains to the adjacent property situated at S.No.384/1C.

4. Learned Additional Government Pleader shall take instructions in this regard.

Post this writ petition at the end of the motion list on 05.03.2025."

4. When the matter was taken up for hearing today, no contra instructions have been received by the learned Additional Government Pleader appearing on behalf of respondents 2 and 3. In view of the same, the earlier order passed by this Court will enure in favour of the petitioner also since that case pertained to S.F.No.384/1E2 and 384/2B and the present case pertains to Survey No.384/1C. For proper appreciation, the relevant portions in the earlier order passed in



WEB COPY W.P.No.1517 of 2015 dated 04.03.2015, is extracted hereunder:

"4. A perusal of that order relied upon by the learned counsel for the petitioner would go to show that the learned Single Judge, after following the earlier order passed in Writ Petition Nos.1119, 1120, of 2013 etc., batch, dated 27.3.2013, disposed of the W.P.No.231 of 2013. For better appreciation, the operative portion of the common order rendered in Writ Petition No.1119 of 2013 etc. batch, is extracted hereunder:-

"3. Today, learned counsel appearing for the petitioners submitted that the matters in issue is covered by the judgment of this Court made in W.P.No.29896 of 2011, which order was passed on 13.12.2011, by following an earlier order made in W.P.No.23345 of 2006, dated 24.7.2006. The said order was challenged in Appeal in I.A.No.1075 of 2011, which was also dismissed by the Hon'ble First Bench on 15.06.2012. The learned Special Government Pleader H.R. & C.E. for respondents 2 and 3 therefore, submitted that similar order may be passed in these Writ Petitions also. The said facts are not disputed by the learned Government Advocate appearing for the respondents 1 and 4.

4. In view of the same, there will be a direction to the respondents 1 and 4 to register and return the documents to the petitioners without insisting upon any 'No objection certificate' within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this order shall not be treated as conferring title to the petitioners in any legal or other proceedings.

These Writ Petitions are disposed of accordingly".

5. Considering the fact that following the order, dated 27.3.2013, (quoted supra) several Writ Petitions were disposed of by this Court, coupled with the further fact that the learned Special Government Pleader for the respondents 1 and 2 and the learned Government Advocate 3 and 4 have no objection in following the order dated 17.2.2014, passed in W.P.No.231 of 2013, viz., the order relied upon by the learned counsel for the



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petitioners, the present Writ Petition is also disposed of in the same line, i.e., directing the third and fourth respondents to register the sale deed presented by the petitioners in respect of the property, more fully described in Para No.2 of this order, and return the same to the petitioner without insisting upon any 'NOC'. It is also made clear that this order will not confer any title to the petitioners in any legal or other proceedings and it is subject to scrutiny. No costs. Consequently, the connected M.Ps. are closed."

5. In view of the above, the impugned refusal check slip issued by the fourth respondent dated 31.12.2024 is hereby quashed and there shall be a direction to the fourth respondent to register the document, if it is otherwise in order without insisting upon any No Objection Certificate.

This writ petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J

gm

To

- 1.The District Registrar,
Coimbatore District,
Coimbatore.
- 2.The Joint Commissioner,
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Department,
Coimbatore District.
- 3.The Assistant Commissioner,
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