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W.P.No.6181 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.6181 of 2025

1. Kavitha
2. R.Ashok Kumar

... Petitioners

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road, Chennai – 28.
2. The Sub-Registrar,
Sub-Registrar Office, Hosur.
3. The Principal Secretary,
Commissioner of Survey and Settlement,
Government of Tamil Nadu,
Chepauk, Chennai -5.
4. The Director of Land Survey & Land Tax Planning,
Land Survey & Land Tax Planning Department,
Survey House, Chepauk, Chennai – 5.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in RFL/Hosur/3/2025, issued by the Sub-Registrar, Hosur, dated 31.01.2025 and quash the same as arbitrary, against



law and without jurisdiction and consequently direct the second respondent herein to register the petitioners sale agreement dated 31.01.2025 without relying upon the internal letter issued by the 4th respondent to the 1st respondent on 27.05.2022 within a time frame fixed by this Hon'ble court and pass such further or other orders as this Hon'ble Court may think deem fit and proper.

For Petitioner : Mr.S.Parthasarathy, Senior Counsel
for Mr.P.Dinesh Kumar
For R1 & R2 : Mr.K.Karthick Jagannath,
Government Advocate
For R3 & R4 : Mr.A.Selvendran,
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the second respondent dated 31.01.2025 and for a consequential direction to the second respondent to register the sale agreement dated 31.01.2025.

2. The sale agreement that was presented for registration was refused to be registered by the second respondent by placing reliance upon the communication issued by the fourth respondent to the first respondent dated 27.05.2022. In view of the same, this court directed the learned

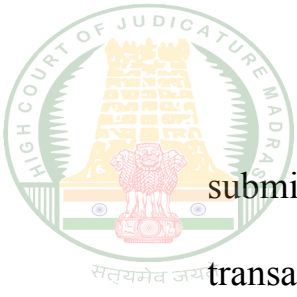


Additional Government Pleader appearing on behalf of the respondents 3 and 4 to take instructions.

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3. When the matter was taken up for hearing today, the written instructions received from the fourth respondent was placed before this court. On carefully going through the same, it is seen that with respect to six Villages at Chennasandiram, Hosur Taluk, Krishnagiri District, the original settlement work was commenced in the year 2017. After completion of the survey and other perambulation works, G.O (Ms) No.317, Revenue and Disaster Management Department Survey and Settlement Wing (SS) (2) Section, dated 14.07.2022 was issued and the work now covers a total extent of 2,482 acres. While carrying on with this work, the notice of the fourth respondent was drawn to some of the fraudulent transactions that took place. In view of the same, the fourth respondent seems to have issued a communication dated 27.05.2022 to the Inspector General of Registration to temporarily stop all registrations pertaining to the properties in six villages until further orders are passed.

4. The learned Additional Government Pleader on instructions



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submitted that the work is yet to be completed and in the meantime, if such transactions are registered, it will cause more confusion in finalizing the title of the inam lands. That apart, the enquiry process has been completed and now it is at the stage of issuance of patta to the individuals which will be completed shortly.

5. Heard Mr.S.Parthasarathy, learned Senior Counsel for the petitioner and Mr.K.Karthick Jagannath, learned Government Advocate appearing for the respondents 1 and 2 and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 3 and 4.

6. In the considered view of this court, the fourth respondent cannot stop registration of all lands in six villages by issuing a communication to the first respondent. Right to property is now given the status of a constitutional right under Article 300-A of the Constitution of India. Therefore, no one can be prevented from dealing with the property except by the procedure established by law. The petitioner is tracing right over the property through a registered muchalika deed of the year 1944, sale deed dated 29.10.2003 and the registered gifts/ settlement deeds dated



21.12.2021. In such an event, the petitioner cannot be restrained from dealing with the property by a mere communication made by the fourth respondent to the first respondent.

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7. The communication made by the fourth respondent to the first respondent which tantamounts to dealing with any property situated in six villages, directly infringes the constitutional right guaranteed under Article 300-A of the Constitution of India.

8. In the light of the above discussion, the impugned refusal check slip issued by the second respondent is hereby quashed and there shall be a direction to the second respondent to entertain the sale agreement dated 31.01.2025 and register the same, if it is otherwise in order. The petitioner need not be made to approach this court every time when the property is being dealt with and therefore, any document touching upon the subject property shall be entertained and registered, if it is otherwise in order.

9. In the result, this writ petition is allowed with the above



directions. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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N. ANAND VENKATESH, J.

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To

1. The Inspector General of Registration,
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2. The Sub-Registrar,
Sub-Registrar Office, Hosur.
3. The Principal Secretary,
Commissioner of Survey and Settlement,
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