



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.15758 of 2024

Mr.T.Sri Harimuthu Pandiyan
Rep.by his Power Holder
Mr.G.Thangakumar

.... Petitioner

-Vs-

1.The Administrative General and
Official Trustee (AGOT)
High Court of Madras
Chennai 600 104.

2.The Commissioner of Land Reforms
Ezhilagam, Chepauk
Chennai 600 005.

3.The Sub Registrar of Registration
Gobichettypalayam SRO
Erode District.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent refusing to register in his refusal check slip No. RFL /1 / No Joint SRO Gobichettypalayam / 123 / 2023 dated 09.08.2023 and quash the same and consequently direction is given to the 3rd respondent to register the Plots / Shop in Survey Nos. 107 A Part 107 B Part and 108/2A measuring an extent of 2 acres and 25 cents in the layout Sri Sivaguru Garden situated in Lakkampatti Village, Gobichettypalayam Taluk Erode District.



For Petitioner : Mr.K.Raja

For Respondents : Mr.E.V.Chandru for R1

Mr.B.Vijay
Additional Government Pleader
for R2 & R3

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 09.08.2023 issued by the 3rd respondent and for a consequential direction to the 3rd respondent to register the sale deeds presented for registration pertaining to the subject property.

2.The case of the petitioner is that out of 1 acre and 86 cents in Survey No.107B, the petitioner's grandfather had purchased an extent of 1 acre and 6 cents through a registered sale deed dated 29.08.1958 registered as Document No.2354/1958. The remaining 80 cents was purchased by one Palaniyappa Chettiar through a registered sale deed Document No.1653/1957. Apart from the said property, the petitioner's grandfather had also purchased another piece of land in Survey No.108. During his lifetime, the petitioner's grandfather sold 1 acre in Survey No.108 through a registered sale deed dated 08.12.1976.



3.The petitioner's grandfather and grandmother had executed a Will dated 27.07.1987, bequeathing the properties in the name of the petitioner. After their demise in the year 2002 and 1996 respectively, the petitioner became entitled to the property.

4.The petitioner wanted to promote a layout and accordingly, sought for the approval and the approval was also granted. All the residential plots were sold except for Plot No.1 measuring an extent of 4130 Sq.ft. He entered into a sale agreement and when this document was presented for registration before the 3rd respondent, the 3rd respondent refused to register the document by stating that it belongs to a Trust. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The 1st respondent filed a report before this Court on 10.03.2025. In the report, the 1st respondent has taken the following stand:

8.The 1st respondent further submits that, the property in Survey No.107 in Lakkampatti Village is also included in the Will and Scheme Decree framed by the Hon'ble Sub-Court Gobichettipalayam. It is learnt that, in Survey No.107, the Palaniappa Chettiar purchased 80 cents in the year 1957 as per the Encumbrance Certificate, in which it was mention as S.F.No.107/B. But, Hon'ble Sub-Court, Gobichettipalayam mentioned the property as S.F.No.107. When the office of AG & OT during the process of identifying the trust lands in the



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year 2021, the property was under the use of this writ petitioner. The writ petitioner requested the 1st respondent/AG & OT to lease the land to him for rent. Therefore, the O/o. AG & OT executed a lease deed to the writ petitioner on 19.08.2021 for an extent of 93 ¼ Cents.

9.The 1st respondent further submits that, in the year 1984, the Government of Tamil Nadu has acquired some of the properties belong to the Palaniappa Chettiar and Rangammal Charities by way of land acquisition through G.O.Ms.No.232, Revenue, dated 18.02.1984 in which the Government has acquired vide land reform proceedings, the entire 1.86 Acres of lands in S.F.No.107/B in Lakkampatty Village belongs to the Trust estate Palaniappa Chettiar and Rangammal Charities under Land Ceiling Act.

10.The 1st respondent submits that, the impugned G.O.Was challenged by the office of AG & OT through Writ Petition No.16776 of 2022, in which the Hon'ble High Court was pleased to quash the G.O.Ms.No.232, Revenue, Dated 18.02.1984 by its order on 22.12.2023. Aggrieved upon the same, the Government has filed in Writ Appeal before the Hon'ble High Court as W.A.No.1732 of 2024 and C.M.P.No.12183 of 2024, in which the Hon'ble High Court has ordered status quo and the same is pending till date.



6.The learned counsel for the petitioner submitted that the 1st respondent cannot claim any right beyond 80 cents and that the petitioner is the absolute owner of remaining 1 acre and 6 cents. Therefore, the Sub Registrar cannot refuse to entertain the document pertaining to the property which absolutely belongs to the petitioner.

7.Per contra, the learned counsel appearing on behalf of the 1st respondent submitted that the entire 1.86 acres became a subject matter of land reforms proceedings and the relevant G.O., came to be challenged by the 1st respondent in WP.No.16776 of 2022. The said writ petition was allowed by an order dated 22.12.2023. Aggrieved by the same, the Government has filed an appeal in WA.No.1732 of 2024 and this writ appeal was entertained and an interim order was passed to maintain status quo. This writ appeal is pending.

8.The learned counsel for the 1st respondent further submitted that the 1st respondent has also executed a lease deed in favour of the petitioner dated 19.08.2021 for an extent of 93 ¼ cents for a period of two years from 01.08.2022. In view of the same, it was contended that there is no clarity on the extent of property that is claimed by the petitioner.

9.In the considered view of this Court, it is not necessary to go into the dispute



between the petitioner and the 1st respondent on the extent of property to which each party is entitled. The fact remains that the entire 1 acre and 86 cents is now a subject matter of land reforms proceedings and the case is pending before the Division Bench in WA.No.1732 of 2024. In view of the same, there is no question of dealing with the property since the subject property falls within the surplus lands. The Division Bench has also directed status quo to be maintained. As a result, the Sub Registrar cannot entertain any document and register the same pertaining to the subject property.

10. In view of the above development, even if the refusal check slip is interfered, the 3rd respondent cannot entertain the document since the writ appeal is pending and interim order has been granted to maintain status quo. Therefore, it is left open to the petitioner to implead himself in the pending writ appeal in WA.No.1732 of 2024 and workout his remedy. Only after the completion of the proceedings and if in the event of the order passed in the writ petition getting confirmed in the writ appeal, the parties can even contemplate dealing with the property. Except giving this clarity, no further orders can be passed in this writ petition.

11. In the result, this writ petition is disposed of in the above terms. No costs.



25.03.2025

Index : Yes/No
NCS : Yes/No
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N.ANAND VENKATESH, J.

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