

W.P.No.5068 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.5068 of 2025
and W.M.P.Nos.5622 & 5623 of 2025

Dr.K.Jayanth Murali

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by the Secretary,
Commercial Taxes & Registration Department,
Fort St. George, Chennai.

2.The Sub-Registrar,
Thiruporur.

3.The Executive Officer,
Nemeli Arulmigu Alavnathar Nayagar Charities,
Mamallapuram – 603 104.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in his proceedings bearing No.P.102/2023 dated 28.07.2023 and quash the same and consequentially direct the 2nd respondent to register the sale deed dated 05.06.2023 executed by the petitioner herein registered as P.102/2023 and assign a regular number for the same.



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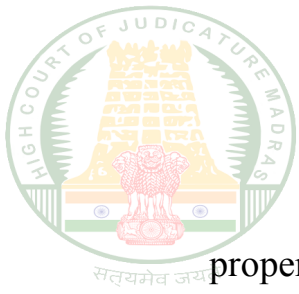
For Petitioner : Mr.L.Murali Krishnan
For RR 1 & 2 : Mr.B.Vijay
Additional Government Pleader
For R3 : Mr.K.Karthikeyan
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 28.07.2023 and for a consequential direction to the 2nd respondent to register the sale deed dated 05.06.2023 executed by the petitioner.

2.Heard the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 & 2 and the learned Government Advocate for the 3rd respondent.

3.The petitioner is claiming right and title over the subject property through the registered sale deed dated 25.10.2011 registered as document No.10247 of 2011. Thereafter, patta was also issued in the name of the petitioner in patta No.804. The petitioner wanted to deal with the



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property and hence, he executed a sale deed dated 05.06.2023 in favour of one Karthikeyan. When the sale deed was presented for registration, the 2nd respondent refused to register the sale deed through the proceedings dated 28.07.2023 on the ground that there is a pending suit filed by the 3rd respondent in O.S.No.244 of 2004 on the file of the District Munsif Court at Chengalpattu. That apart, the document cannot be entertained for registration since there is a bar under Section 22A of the Registration Act.

4.The plaint in the suit filed in O.S.No.244 of 2004 was placed before this Court. This suit was filed for a permanent injunction by the 3rd respondent herein as against one Rathnesh P.Panthia.

5.Apart from the above, the learned Government Advocate appearing on behalf of the 3rd respondent submitted that the Commissioner of Land Administration through proceedings dated 09.08.2023 directed the cancellation of patta that has been given to all the land owners with respect to various survey numbers. This order was put to challenge by the petitioner in W.P.No.34702 of 2024. This writ

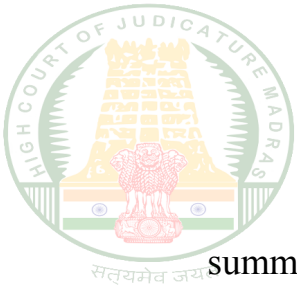


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petition was allowed by an order dated 26.11.2024 and the relevant portion is extracted hereunder:

“8.A mere perusal of the impugned order clearly shows that it was passed without issuing notice to the affected parties and without affording them an opportunity to put forth their case. Therefore, without going into the merits of the case, taking note of the fact that there has been a gross violation of the principle of natural justice, the Writ Petition is allowed, the impugned order passed by the 1st respondent dated 09.08.2023 is set aside and the matter is remitted back to the 1st respondent for fresh consideration. The 1st respondent shall issue notice to the petitioner and give him personal hearing and thereafter pass a speaking order within a period of 2 months from the date of receipt of a copy of this order.”

6.In the considered view of this Court, the 3rd respondent is claiming a right over the property and the petitioner is also placing reliance upon a title deed and also the patta issued in his name. In view of the same, the 2nd respondent has to deal with the document in line with the guidelines issued by the Division Bench of this Court in ***Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner and 2 others*** reported in ***(2017) 3 CTC 135*** (paragraph No.25). As per the guidelines, it is always open to the 3rd respondent to conduct a



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summary enquiry and take a decision after hearing both the parties.

7.In the result, this Writ Petition is disposed of with a direction to the 2nd respondent to conduct a summary enquiry as per the guidelines issued by the Division Bench of this Court and take a decision within a period of four (4) weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed. No costs.

05.03.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

- 1.The State of Tamil Nadu,
Rep by the Secretary,
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N.ANAND VENKATESH, J.

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