



W.P(MD)No.13893 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.13893 of 2024

P.Samvimal Rajkumar

... Petitioner

Vs

1.The District Registrar,
Karaikudi,
Sivagangai District.

2.The Sub-Registrar,
Thiruppathur,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned Refusal Check Slip in Refusal number RFL Thirupathur - Karaikudi/64/2024 dated 24.05.2024 passed by second respondent and quash the same as illegal and consequently direct the second respondent to register the settlement deed and release the same within the time stipulated by this Court.

For Petitioner : Mr.A.Joesph Jerry

For Respondents : Mr.M.Sarangan
Additional Government Pleader



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ORDER

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This writ petition has been filed by the petitioner challenging the refusal check slip issued by the second respondent dated 24.05.2024 thereby refusing to register the settlement deed which was presented for registration.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The property comprised in S.No.280/3K admeasuring 2797.0 sq.ft. situated at Thiruppathur, Sivagangai District owned by the Tamilnadu Evangelical Lutheran Church (in short hereinafter called as 'TELC'). Subsequently, it was sold out in favour of the petitioner by the registered sale deed dated 19.06.2015. In turn, the petitioner intended to settle the property in favour of her younger sister and executed the settlement deed on 11.05.2024 and presented the same for registration. However, it was refused to register on the ground that there is an order not to register the property belongs to TELC without obtaining permission from this Court.



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4.The learned counsel appearing for the petitioner produced several orders passed by this Court in respect of the property belongs to the TELC. On perusal of the same, it would reveal that one Chandrasekaran filed a writ petition in W.P.No.11679 of 2017 challenging the registration of the sale deed in respect of the property owned by the TELC. In view of the interim order granted by the Division Bench of this Court dated 04.05.2017 in the said writ petition, the Inspector General of Registration had issued circular in Letter No.21379/C1/2017, dated 24.05.2017. As per the circular no property belongs to the TELC can be presented for registration.

5. In view of the circular issued by the Inspector General of Registration, the said writ petition was dismissed as withdrawn. However, with regard to the possession and enjoyment of the property, which was sold out by the TELC, this Court permitted to deal with the same. One of the writ petition was allowed by this Court in W.P(MD)No.8319 of 2023, dated 17.04.2024, however, it was challenged by the said Chandrasekaran by filing writ appeal in W.A(MD)No.1277 of 2024 and the Hon'ble Division Bench of this Court granted interim stay by an order dated 05.08.2024. That apart, various allegations raised as against the



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person, who represent for TELC, as such, the entire property owned by the TELC cannot be sold out without permission of the Court.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent and it is devoid of merits and the same is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No costs.

27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The District Registrar,
Karaikudi,
Sivagangai District.
- 2.The Sub-Registrar,
Thiruppathur,
Sivagangai District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.13893 of 2024

27.01.2025