

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.08.2015
CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.9000 of 2014
And
M.P.Nos.1 to 3 of 2014

P.V.Subramaniam

... Petitioner

Vs.

- 1.The District Collector
Office of the District Collector,
Vellore.
- 2.The Tahsildar,
Office of the Tahsildar,
Anaikattu,
Vellore.
- 3.The Sub-Registrar,
Office of the Sub-Registrar, Odugatthur,
Vellore District.
- 4.The Revenue Divisional Officer,
The Office of the Revenue Divisional Officer,
Collectorate Campus,
Vellore District.
- 5.The District Registrar (Administration)
Office of the District Registrar,
Vellore - 1.

6.G.Dhanasekaran

7.Chandra

8.K.Rathinam

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondent no.5 dated 08.02.2014 made in proceedings No.Mu.Mu.Ka.No.8100/A1/2013 and order of the respondent no.3 dated 23.09.2013 in the matter of P-4 of 2013 and P-5 of 2013 and quash the same and consequentially direct the respondent No.4 to decide the appeal pending before him made against the order of the respondent No.2 dated 26.09.2013 in his proceeding No.Na.Ka.C-6/4531B/2013 in accordance with law independently.

For Petitioners : Mr.S.Senthilnathan
For Respondents : Mr.P.Sanjay Gandhi for R1 to R5
Additional Government Pleader
No Appearance for R6 to R8

O R D E R

The petitioner has filed this writ petition seeking for issuance of Certiorarified Mandamus calling for the records of the respondent no.5 dated 08.02.2014 made in proceedings No.Mu.Mu.Ka.No.8100/A1/2013 and order of the respondent no.3 dated 23.09.2013 in the matter of P-4 of 2013 and P-5 of 2013 and quash the same and consequentially direct the respondent No.4 to decide the appeal pending before him made against the order of the respondent No.2 dated 26.09.2013 in his proceeding No.Na.Ka.C-6/4531B/2013 in accordance with law.

2.As the petitioner's document was not registered a writ petition was filed in W.P.No.15542 of 2013 in which the following order was passed:

"2.The learned Additional Government Pleader, on instructions, submitted that the third respondent has forwarded the patta produced by the petitioner to the second respondent on 25.03.2013. The third respondent is awaiting a report from the second respondent and immediately after obtaining the report, appropriate steps would be taken for registration of document under the provisions of the Registration Act.

3.The second respondent is directed to submit a report, pursuant to the requisition made by the third respondent. Such exercise shall be completed within a period of 15 days from the date of receipt of a copy of this order.

4.The Sub-Registrar is directed to consider the document present by the petitioner for registration in the light of the report submitted by the second respondent and in accordance with the provisions of Registration Act, within a period of 15 days from the date of such report.

5.The writ petition is allowed to the extent indicated above. No costs. The connected miscellaneous petition is closed."

3. Thereafter, basing reliance upon the report of the Tahsildar, the petitioner request was rejected on the ground that the property in question is a Government one. The further appeal filed by the petitioner was also rejected. As against the report of the Tahsildar, the petitioner has filed an appeal to the District Revenue Officer which is still pending consideration.

4. The learned counsel for the petitioner submitted that the report of the Tahsildar would sign subsequently and therefore, the earlier order is passed as if the said report is taken note of, cannot be sustained in the eye of law as confirmed in the appeal.

5. It is not in dispute that the report of the Tahsildar is against the petitioner and that is the reason why he has filed an appeal to the District Revenue Officer on 30.12.2013. Therefore, until and unless the petitioner succeeds in his appeal, the respondent no.3 cannot register the document.

6. Accordingly, the writ petition stands disposed of by directing either the respondent no.4 or the District Revenue Officer as the case may be, before whom the appeal is pending, to dispose of the same within a period of eight weeks from the date of receipt of a copy of this order. If the appeal is allowed in favour of the petitioner, it is well open to him to approach the respondent no.3 in which case, the said authority will have to register the document.

7. With the above said observation, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

WEB COPY

To

1. The District Collector
Office of the District Collector,
Vellore.

2.The Tahsildar,
Office of the Tahsildar,
Vellore.

3.The Sub-Registrar,
Office of the Sub-Registrar, Odugatthur,
Vellore District.

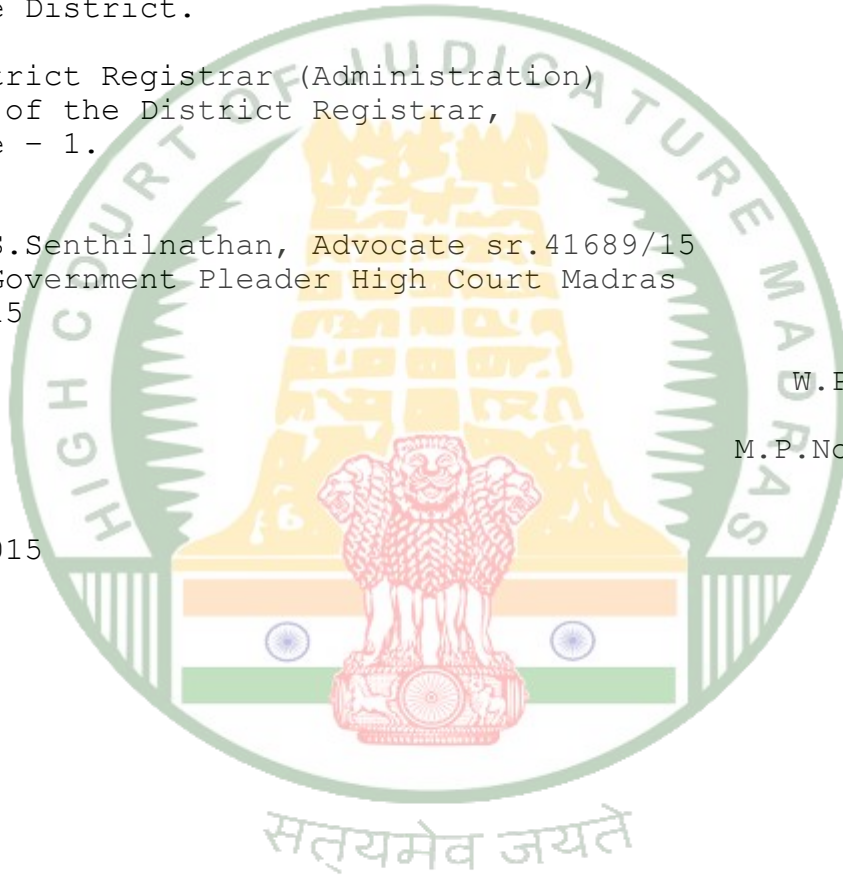
4.The Revenue Divisional Officer,
The Office of the Revenue Divisional Officer,
Collectorate Campus,
Vellore District.

5.The District Registrar (Administration)
Office of the District Registrar,
Vellore - 1.

+1 cc to S.Senthilnathan, Advocate sr.41689/15
+1 cc to Government Pleader High Court Madras
sr.41985/15

W.P.No.9000 of 2014
And
M.P.Nos.1 to 3 of 2014

rsk(co)
aa21/08/2015



WEB COPY