

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16499 of 2015
and M.P.No.1 of 2015

- (1) Meer Nasim Ali
- (2) S.Mubarak
- (3) A.Aameed

... Petitioners

- Vs -

The Sub Registrar,
Office of the Sub Registrar,
Bargur,
Krishnagiri District.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to henceforth register the sale deed dated 17.09.2014 executed by Mr.P.Jeyaraj, son of Sri.Pachaiyappa Gounder, residing at No.1/3A, Kukkalpatti, Mecheri, Salem District, in favour of the petitioners, pertaining to the lands totally measuring 0.49 Acres comprised in Survey No.57/2A and 1.47 Acres, and the lands comprised in S.No.57/2B, totally measuring 1.96 Acres situated in Jagadevipalayam Village, Krishnagiri Taluk, Krishnagiri District.

For Petitioners : Mr.K.Ramakrishna Reddy

For Respondent : Mr.R.Vijayakumar, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that the 1st petitioner is the absolute owner of the patta lands measuring to an extent of 0.26.5 Hectares comprised in S.No.59/1 at Jagadevipalayam Village, Krishnagiri Taluk, Krishnagiri District. One Mr.P.Jayaraj owns adjacent lands measuring to an extent of 0.49 Acres comprised in S.No.57/2A and 1.47 Acres comprised in S.No.57/2B at Jagadevipalayam Village, Krishnagiri Taluk, Krishnagiri District. He wanted to quarry minerals from his land and accordingly he obtained permission from the Government. The lease period is for a period of twenty years from 28.11.2005 to 27.11.2025. The petitioners further stated that as the minerals extracted from quarry did not have a good market and therefore, Mr.Jayaraj has expressed his willingness to sell his lands measuring to a total extent of 1.96 Acres. Being the owners of the adjacent

land, the petitioners jointly decided to purchase the above said lands from Mr.P.Jayaraj. Accordingly, the sale deed was reduced into writing. Now, the grievance of the petitioners is that when the sale deed dated 17.09.2015 has been presented for registration, the respondent refused to register the same on the ground that there is agreement of lease between the vendor of the petitioners and the Government. As a matter of fact, the vendor of the petitioners had terminated the lease by giving six months notice on 16.09.2014. The said six months period expired on 15.03.2015 itself. While so, on 09.05.2015, the petitioners made a representation to the respondent stating that there was no lease in respect of the land in question as the petitioners' vendor surrendered the lease by giving six months notice. In these circumstances, the petitioners requested the respondent to register the document presented by them in their representation dated 09.05.2015. Since they have not been favoured with any kind of response, they came forward with this writ petition.

3. Heard Mr.K.Ramakrishna Reddy, the learned counsel appearing for the petitioner would submit that since the owner of the adjacent lands viz., Mr.P.Jayaraj, who had obtained permission to quarry the minerals from the lands in question, was not inclined quarry any more, he has decided to sell away the lands and in fact, he had terminated the lease by giving six months notice and hence, there cannot be any impediment on the part of the respondent in registering the sale deed and hence, he prays for appropriate direction.

4. Heard Mr.R.Vijayakumar, the learned Additional Government Pleader, who takes notice for the respondent, would submit that a suitable direction may be issued to the respondent to consider the petitioner's representation in accordance with law with a time frame to be stipulated by this court.

5. Though the petitioner prayed for a larger relief, this court, taking into consideration of the facts and circumstances and without going into the merits of the case, directs the respondent to consider the petitioners' representation dated 09.05.2015 on merits and in accordance with law after giving an opportunity of personal hearing to the 1st petitioner and to pass appropriate orders as expeditiously as possible, not later than four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected MP is closed.

kmk

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

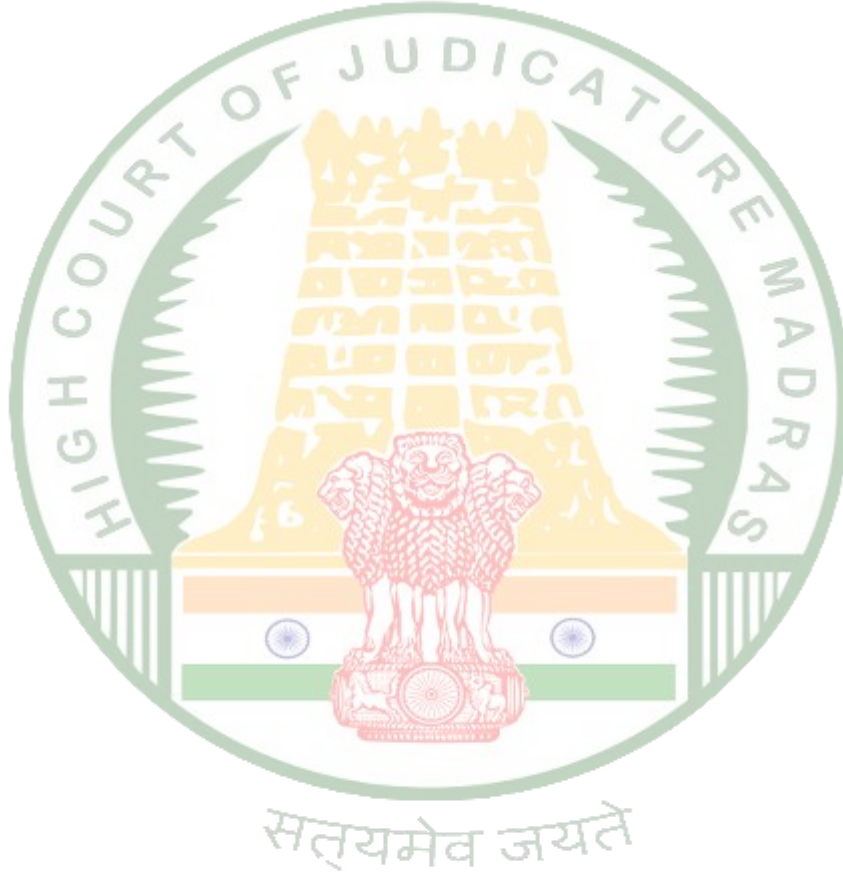
The Sub Registrar, Bargur, Krishnagiri District.

+ 1 cc to Govt.Pleader SR 28623

+ 1 cc to Mr.K.Ramakrishna Reddy, Advocate SR 28307

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