

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.18292 of 2015

S.Saravanan

... Petitioner

vs

1. The District Collector-cum-
Additional Secretary (Revenue)
Revenue Complex
Saram, Puducherry
2. The Deputy Collector Revenue (North)
Revenue Complex
Saram, Puducherry
3. The Sub-Registrar
Oulgaret Sub-Registrar's Office
Oulgaret, Puducherry.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to assign the GLR Value in respect of the land comprised in Cadastre No.1076/1/2/2pt corresponding to R.S.No.228/5, Thattanchavadi Village, Oulgaret Revenue Village, within a fixed time limit.

For Petitioner : Mr.P.Suresh

For Respondents : Mr.R.Sreedhar
Government Advocate

ORDER

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

2.The petitioner claims to be the owner of the property comprised in Cadastre No.1076/½/2 Part corresponding to R.S.No.228/5, admeasuring to an extent of 2 kuzhies 4 ½ veesam, at Thattanchavadi Village, Oulgaret Revenue Village. According to the petitioner, he, in order to settle certain debts, approached the third respondent for registration of document and the third respondent has refused to register the same on the ground that the respondents 1 and 2 did not

assign GLR value to the said Cadastre No.1076-½/2 Part corresponding to R.S.No.228/5.

3.The petitioner would further state that in respect of the said stand taken, W.P.Nos.36622/2006 and 12330/2007 respectively were filed to quash the proceedings and this Court has quashed the same and hence, similar orders may be passed.

4.Heard the submissions of the learned Counsel appearing for the petitioner, who has drawn the attention of this Court to the above said orders and prays for appropriate orders.

5.This Court heard the submissions of Mr.R.Sreedhar, learned Government Advocate (Pondy), who accepted notice on behalf of the respondents.

6.It is relevant to extract para 18 to 20 of the above said order in W.P.Nos.36622/2006 and 12330/2007, as under:-

"18.Writ petitioners seek for a direction to register the sale deed. Writ Petitioners also purchased the property in Cad.No.1076-½/2 (corresponding R.S.No.228/5). As the said property purchased by the Writ Petitioners is in the list of the lands to be retained by the land owners (Item No.22 of the Notification). As the land is within the Ceiling Area, there is no impediment in registering the document. In similar facts and circumstances, in W.P.No.32472/2006 Justice V.Ramasubramanian has directed the authorities to register the Sale Deed by taking declaration in Form-16. By the order dated 11.11.2008 in W.P.No.19483/2007, I have also taken a similar view.

19.As the property proposed to be sold is in the list of lands to be retained by the land owners within the ceiling area, there could be no impediment for registering the documents. In the similar facts and circumstances, referring to Sec. 22 and other provisions of Pondicherry Land Reforms Act in W.P.No.14710/2007 and batch, this Court has directed :- (i) Return of the registered Sale Deeds by obtaining necessary undertaking; (ii) Registration of the document subject to the filing of declaration in Form-16.

20.In the result,

- the Writ Petitions are allowed.
- The Sub-Registrar is directed to register the Sale Deeds presented by the Petitioners (pertaining to R.S.No.228/5, Cad.No.1076-½ /2) subject to the filing of declaration in Form-16 and subject to the payment of correct stamp duty payable on the document.

- Connected M.P.Nos.2 and 3 of 2007 in W.P.No.12330/2007 and M.P.Nos.1 and 2 of 2006 in W.P.No.36622/2006 are closed.
- Three is no order as to costs."

7.In the considered opinion of the Court, the said order is squarely applicable to the facts of this case.

8.In the result, the writ petition is disposed of by directing the respondents 1 and 2 to assign the GLR value in respect of the land comprised in Cadastre No.1076/½/2 Part, corresponding to R.S.No.228/5, at Thattanchavadi Village, Oulgaret Revenue Village, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The District Collector-cum-
Additional Secretary (Revenue)
Revenue Complex
Saram, Puducherry
2. The Deputy Collector Revenue (North)
Revenue Complex
Saram, Puducherry
3. The Sub-Registrar
Oulgaret Sub-Registrar's Office
Oulgaret, Puducherry.

+1cc to Mr.P.Suresh, Advocate, S.R.No.31360

+1cc to the Government Pleader-cum- Senior Public Prosecutor(Pondy),
S.R.No.31777

W.P.No.18292 of 2015

KJI (CO)
CA(06/07/2015)