

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21009 of 2015
and M.P.No. 1 of 2015

K.Kanthappan

... Petitioner

Vs.

1.The District Collector cum
Additional Secretary (Revenue),
Kamaraj Salai, Pondicherry.

2.The Sub Registrar, Oulgaret,
Office of the Sub Registrar,
Registration Department,
Government of Pondicherry.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the second respondent to register the document, the Sale Deed dated 03.07.2015 executed in favour of the purchaser namely Mrs.M.Kalaivani, W/o.Murugan in respect of the land comprised in cadastre No.1071, 1076/1/2/2pt corresponding to R.S.No.228/5, Dakchinamoorthy Nagar, Sokkanathampet Village, Oulgaret Revenue Village within the time fixed by this Court.

For Petitioner : Mr.U.Karunakaran
For Respondents : Mr.R.Sreedharan,
Govt. Advocate (Pondy)

ORDER

With the consent of the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents, the writ petition is taken up for disposal at the admission stage itself.

2. The petitioner claims that the land comprised in the Cadastre No.1071, 1076/1/2/2pt, corresponding R.S.No.228/5 to an extent of 1620 sq.ft to an extent of Kani 1, 32 Kuzhi, 04 veesam belongs to one Siva @ Vinayagam and he was an assessee under the Land Reforms Act and he sold the above said land in favour of Thirunavukarasu, Anjali

and Muthulakshmi vide three different sale deeds dated 20.11.2002 and those sale deeds were not registered by the 2nd respondent on the ground that No objection certificates have to be obtained from the Revenue authorities. Aggrieved by the non-registration, the petitioner's vendor's vendor filed W.P.Nos.12330 of 2007 and 36622 of 2006 respectively and this Court vide common order dated 15.12.2008 has allowed the writ petitions and directed the 2nd respondent to register the sale deeds presented by the petitioners therein subject to the filing of declaration Form - 16 and subject to payment of correct stamp duty payable on the said documents. One of the petitioner's vendor viz., Mrs.Anjali has plotted out her land as house sites and she has sold one such plot to an extent of 1620 sq.ft in favour of the petitioner vide sale deed dated 27.6.2012 registered as document No.3034/2012 and the petitioner in turn decided to sell the property comprised in Cadastre No.1071, 1076/1/2/2pt corresponding to R.S.No.228/5 to an extent of 1620 sq.ft in favour of one M.Kalaivani, wife of Murugan vide sale deed dated 3.7.2015. When the sale deed was presented before the 2nd respondent for registration it was returned and on enquiry it was informed that the 2nd respondent insisted letter of clearance from the District Collector-cum -Additional Secretary (Revenue) to the effect that the lands are not covered under the Land Reforms Act. The petitioner aggrieved by the said act came forward with the present writ petition.

3. Mr.U.Karunakaran, learned counsel appearing for the petitioner has drawn the attention of this Court to the above said common order dated 15.12.2008 passed by this Court in W.P.Nos.12330 of 2007 and 36622 of 2006 as well as the order dated 18.03.2015 passed in W.P.No.23428 of 2014, wherein, in similar facts and circumstances, this Court by following the earlier common order dated 15.12.2008 in W.P.Nos.12330 of 2007 and 36622 of 2006, allowed the said writ petition and prayed for similar orders in the present writ petition.

4. This Court heard the submission of Mr.R.Sreedharan, learned Government Advocate, who accepts notice on behalf of respondents 1 and 2.

5. This Court, in the facts and circumstances of the case, on going through the common order dated 15.12.2008 passed by this Court in W.P.Nos.12330 of 2007 and 36622 of 2006 as well as the order dated 18.03.2015 passed in W.P.No.23428 of 2014, is of the considered view that the matter in issue is squarely covered by the above cited orders.

6. In the result, the writ petition is allowed and the 2nd respondent is directed to register the sale deed dated 3.7.2015 to be presented by Tmt.M.Kalaivani, wife of Murugan, subject to the filing of declaration in Form 16 and subject to the payment of correct stamp

duty payable on the said document. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CSIII)
dt:28/07/2015

True Copy

Sub-Assistant Registrar

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To

1.The District Collector cum
Additional Secretary (Revenue),
Kamaraj Salai, Pondicherry.

2.The Sub Registrar, Oulgaret,
Office of the Sub Registrar,
Registration Department,
Government of Pondicherry.

+1 cc to Mr.U.Karanukaran, Advocate sr.35604

+1 cc to Senior Government Pleader cum senior Public
Prosecutor for Puducherry sr.35667

W.P.No.21009 of 2015

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