

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21494 of 2015

and M.P.No.1 of 2015

S.Palanisamy

... Petitioner

Versus

- 1 The Inspector General of
Registration Santhome High Road
Pattinapakkam Chennai-28
 - 2 The District Registrar
Tiruppur District
 - 3 The Joint Sub Registrar II
Tiruppur
 - 4 The Executive Officer
Arulmigu Visweswara Swamy & Veeraragava
Perumal Temples Easwaran Koil Street
Tirupur 641 604
 - 5 The Assistant Commissioner
The Hindu Religious & Charitable Endowment
Dept. Arulmigu Visweswara Swamy &
Veeraragava Perumal Temples
Easwaran Koil
Street Tirupur
- ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents 1 to 3 herein to admit and register documents such as Sale Deeds Settlement Deeds Mortgages Deed etc. with respect to the petitioners property bearing Plot No.3 in the approved layout in L.P.D.M/ DTP.No.82/1962 comprised in S.F.No.130 Tiruppur Village now bearing T.S.No.4 Block No.3 Ward L Tiruppur Town Tiruppur Taluk Tiruppur District.

For Petitioner : Mr.V.P.Sengottuvel

For Respondents : Mr.Rm.Muthukumar (for R1 to R3)
Government Advocate
Mr.M.L.Mahendran (for R4 & R5)
Government Advocate.

O R D E R

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

2. The petitioner would state that the dry lands comprised in S.F.No.130 admeasuring to an extent of 9.26 Acres, situated on Mangalam Road, Tiruppur Village, Tiruppur Taluk, originally belonged to one P.Chinnasamy Gounder and he submitted an application dated 04.05.1962 to the Director of Town Planning for approval of a layout and it was also accorded on 21.08.1962, granting approval for 110 house sites. The said person in turn submitted an application to the Commissioner, Tiruppur Municipality for approval of license to form a layout and it was also accorded on 01.11.1962. After getting necessary permission / approval for layout, the said P.Chinnasamy Gounder, sold one of the plots bearing No.3, admeasuring to an extent of 2,770 sq.ft., in favour of K.Samiyappa Gounder, vide registered sale deed dated 13.09.1971 and the said person after purchase has put up a superstructure and was in absolute possession and enjoyment of the same and he died intestate on 10.04.1977 leaving behind the petitioner and his mother, as the sole legal heirs.

3. The petitioner would further state that the District Revenue Officer, Tiruppur had acquired the part of the Plot comprised in T.S.No.4, Block 3, Ward-L, Tiruppur District, admeasuring an extent of 75.06 sq.mts from the petitioner for expansion of Tiruppur - Mangalam Road under the Tamil Nadu Highways Act, 2001 (Act 34 of 2002) and the petitioner continues to be in possession of the above said property.

4. The petitioner has decided to settle his property in favour of his wife and therefore, approached the 2nd respondent during May 2015 and further, it was refused to be registered on the ground that the respondents 4 and 5 had represented to the 3rd respondent, not to entertain registration of any document pertaining to the land comprised in S.F.No.130 and hence, the petitioner came forward to file this writ petition.

5. Mr.V.P.Sengottuvel, learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 04.02.2015 made in W.P.No.29914 of 2014 and would submit that in similar facts and circumstances, this Court has directed the 3rd respondent viz., the Joint Sub Registrar - II, Tiruppur, to consider the claim of the petitioner therein for registration of the document, after issuing notice to the concerned respondents and pass orders within a stipulated time and since, the petitioner is similarly placed, the same order can be passed in this writ petition also. Learned counsel would further submit that in the light of the passage of time, the petitioner may not be interested

in settling the property, but may sell the property in favour of a third party.

6. The Court heard the submissions of Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice on behalf of respondents 1 to 3 and Mr.M.L.Mahendran, learned Government Advocate (HR&CE), who accepts notice on behalf of the respondents 4 and 5.

7. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, permits the petitioner to present the document for registration before the 3rd respondent, within a period of four weeks from the date of receipt of a copy of this order and the 3rd respondent on receipt of the same, is directed to consider the representation, in accordance with law, after issuing notice to the petitioner as well as to the respondents 4 and 5 and pass orders within a period of six weeks, thereafter and communicate the decision taken to the petitioner as well as to the respondents 4 and 5. It is also open to the petitioner as well as the respondents 4 and 5 to produce necessary documents / proof, if any, in support of their claim before the 3rd respondent.

8. The writ petition is disposed of, accordingly. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Inspector General of
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Pattinapakkam Chennai-28
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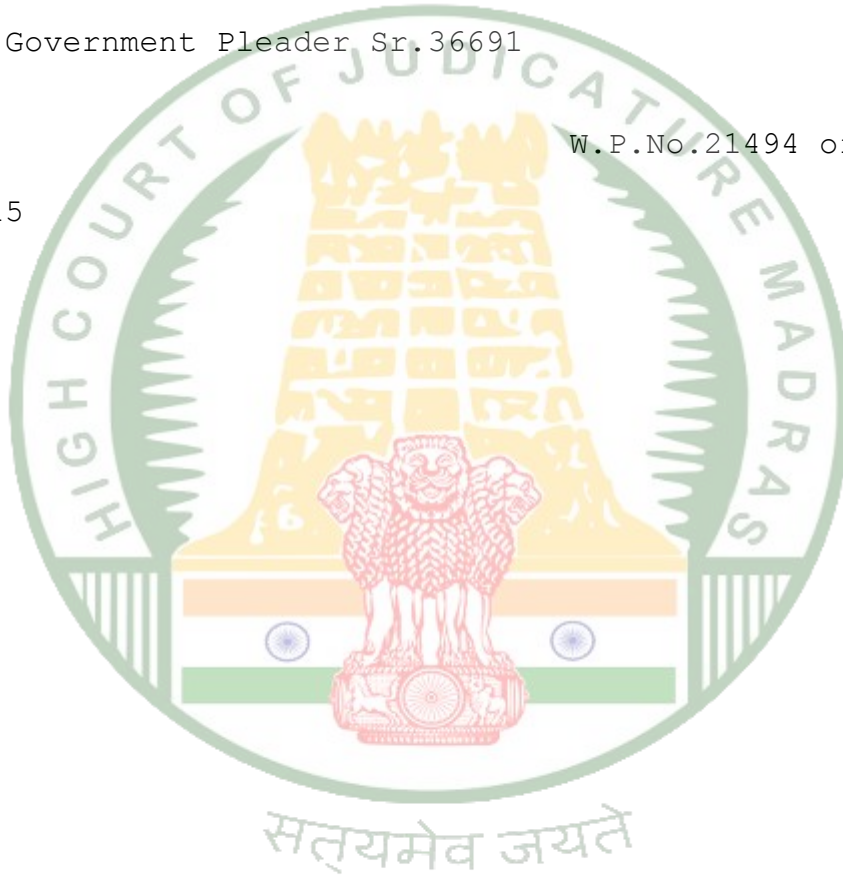
+ 1 cc to Mr.V.P.Sengottuvel, Advocate SR.36593

+ 1 cc to Special Government Pleader Sr.36833

+ 1 cc to Government Pleader Sr.36691

GJ(CO)
EU 03.08.15

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