

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.10559 OF 2013
& M.P.NO.1 OF 2013

1. A.Kaliyamurthy
2. N.Muthiah
3. M.Vijaya
4. R.Durai

... Petitioners

Versus

The Sub Registrar,
Office of the Sub Registrar,
Veppanthattai,
Perambalur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondent herein to register and release the documents in respect of lands comprised in Survey Nos.468/1, 468/3, 441/2, 441/4, 441/5, 441/6, 441/7C, 441/7D, 441/7E, 441/7F, 441/7G, 441/7H, 442/1B, 442/1C, 442/1E, 442/1F, 442/1G, 442/1H, 442/3, 479/1, 479/2 and 479/3A of a total extent of 27.24 acres in Udumbiyam Village, Veppanthattai Taluk, Perambalur District.

For Petitioners : Mr.AR.L.Sundaresan, Senior Counsel
for M/s.AL.Gandhimathi

For Respondent : Mr.R.Vijayakumar
Additional Govt. Pleader

O R D E R

Heard Mr.AR.L.Sundaresan, learned Senior Counsel assisted by Ms.AL.Gandhimathi, learned counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent and perused the materials placed on record.

2. The prayer sought for by the petitioners in this writ petition is a direction upon the respondent to register and release the documents in respect of the lands comprised in Survey Nos.468/1, 468/3, 441/2, 441/4, 441/5, 441/6, 441/7C, 441/7D, 441/7E, 441/7F, 441/7G, 441/7H, 442/1B, 442/1C, 442/1E, 442/1F, 442/1G, 442/1H, 442/3, 479/1, 479/2 and 479/3A of a total extent of 27.24 acres in Udumbiyam Village, Veppanthattai Taluk, Perambalur District.

3. Though several adjournments were granted to the respondent, no counter-affidavit has been filed. The learned Additional Government Pleader, on instructions, submitted that the Sub Registrar has kept the document pending on the ground that the lands in question are Panjami lands.

4. The learned Senior Counsel for the petitioners made elaborate submissions on the factual aspects and contended that the instruction given by the respondent that they are Panjami lands is wholly unsustainable. In this regard, reference was made to the manner in which the petitioners trace the title over the property and the documents which are in possession of the petitioners to prove that the vendors of the petitioners had lawful title over the property and they were entitled to convey the same. Further, the learned Senior Counsel for the petitioners submitted that there is no justification for the respondent to retain the document without registering the document or returning the same.

5. After hearing the learned counsel on either side and perusing the materials placed on record, it is seen that the respondent neither registered the document and then returned it nor returned the document without registering it and the document had been kept pending without assigning reasons. If the respondent entertained doubt or of the opinion that the document cannot be accepted for registration, it is well open to the respondent to return the same, but the same can be done by only after passing a reasoned order. This procedure was not followed in this case.

6. In the light of the above facts, there will be a direction to the respondent to consider the documents which have been presented for registration, issue notice to the petitioners and after hearing the petitioners pass reasoned order on merits and in accordance with law. If the respondent is satisfied with the contentions raised by the petitioner, it is open to the respondent to register the document and release it or in the opinion of the respondent, for any valid reason, that the document cannot be registered, the respondent shall pass reasoned order on merits and in

accordance with law. The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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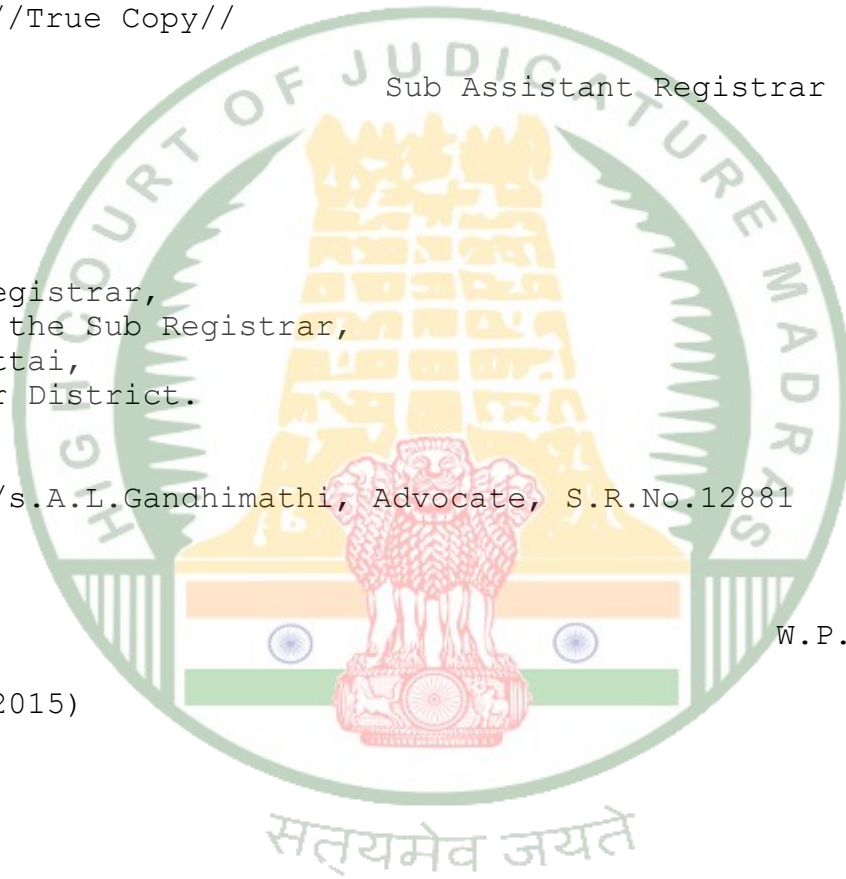
To

The Sub Registrar,
Office of the Sub Registrar,
Veppanthattai,
Perambalur District.

+1cc to M/s.A.L.Gandhimathi, Advocate, S.R.No.12881

VGI (CO)
CA(13/03/2015)

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