

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.9.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.30902 of 2015
and
M.P.No.1 of 2015

P.Pradeep
S/o.K.B.Paramanada Doss,
No.36/1 New No.18, Muthiyal Chetty Street,
Purasawalkam, Chennai 7.

... PETITIONER

Vs.

1. The Inspector General of Registration
100 Santhome High Road
Santhome Chennai 28
2. The District Registrar
Registration Department
Taluk Office Building
Anna Salai Thiruvannamalai 606 601
3. The Sub Registrar
No.166-A Gandhi Road Vettavalam 606 754
Thiruvannamalai Taluk & District
4. R.Rajaraman
S/o.Late S.Ramajayam
Chinna Olaippadi Village Periya Olaippadi Post
Thiruvannamalai Taluk & District
5. B.Jayaraman
S/o.Balakrishnan Chinna Olaippadi Village
Periya Olaippadi Post
Thiruvannamalai Taluk & District

... RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 from registering any sale deed or any documents

pertaining to the 4th respondents lands comprised in Survey No.55/10 measuring an extent of 1 Acre situated in Olaippadi Village Thiruvannamalai Taluk & District lying within the Sub Registration District of Vettavalam without following the provisions of Tamil Nadu Patta Pass Book Act 1983 and the guidelines issued by the 1st respondent in Letter No.18339/C1/2012 dt 25.4.2012

For Petitioner : Mr.J.Lakshminarayanan

For Respondents 1 to 3 : Mr.R.A.S.Senthilvel,
Additional Government Pleader

ORDER

With consent of both sides, the writ petition itself has been taken up for final disposal.

2. This is a specific case of the petitioner that in pursuant to the mortgage deed executed in favour of the petitioner, he is in possession and enjoyment of the property belonging to the respondent No.4 by enjoying usufructuary mortgage through cultivation. The respondent No.4 has also given original patta pass book to the petitioner along with title deed. However, an attempt is being made to alienate the property in favour of the respondent No.5 without following mandate under section 5 of the Patta Pass book Act as well as the circular in letter No.18339/C1/2012 of the Office of the Inspector General of Registration, dated 25.4.2012.

3. The prayer sought for cannot be granted by this Court since it is for the respondent No.3 to act as per law. The statutory authority cannot be prohibited from doing its functions. Similarly, inter se dispute between the private parties cannot be permitted to be adjudicated in exercise of power under Article 226 of the Constitution of India. It is seen that the petitioner has made a representation on 9.9.2015 and 16.9.2015.

4. Thus, the writ petition stands disposed of by directing the respondent No.3 to look into the applicability and compliance of section 5 of Patta Pass book Act as well as the applicability of circular issued by the Inspector General of Registration, dated 25.4.2012 at the time of registration of the property in survey No.55/10 for an extent of one acre situate in Olaippadi Village, Thiruvannamalai Taluk and District in the event of any registration being sought for at the instance of the respondent No.4 and 5.

The writ petition is disposed of accordingly. Consequently,
M.P.No.1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vaan

To

1. The Inspector General of Registration
100 Santhome High Road
Santhome Chennai 28
2. The District Registrar
Registration Department
Taluk Office Building
Anna Salai Thiruvannamalai 606 601
3. The Sub Registrar
No.166-A Gandhi Road Vettavalam 606 754
Thiruvannamalai Taluk & District

+2cc's to Mr.J.Lakshmi Narayanan, Advocate, S.R.No.53552
+1cc to the Government Pleader, S.R.No.53392

W.P.No.30902 of 2015
and
M.P.No.1 of 2015

SAI (CO)
CA(14/10/2015)

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