

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.11.2015

C O R A M

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.35538 of 2015

Latha

...Petitioner

Vs.

1. Union of India rep. by
Chief Secretary to the Government of Pondicherry,
Pondicherry.

2.The Sub-Registrar,
O/o.Sub Registrar Puducherry,
Puducherry.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, dated 28.09.2015, passed by the second respondent and quash the same and consequently, direct the second respondent to register the sale deed dated 10.09.2015 in respect of the land situated at Thengaithittu revenue village, Resurvey No.14/1, 15/2 cad.No.93, ward No-P, Block No.12, T.S.No.12/1, R.S.No.14/1, as per settlement T.S.No.12/1/A 14 kuzhi 15 veesam an extent of 3000 sq ft.

For Petitioner : Mr.P.Sathish

For Respondents : Mr.K.R.Harin

सत्यमेव जयते
Additional Government Pleader
(Pondicherry)

ORDER

The petitioner sought to register the sale deed dated 10.09.2015, in respect of the land situated at Thengaithittu revenue village in Resurvey No.14/1, 15/2 cad.No.93, ward No-P, Block No.12, T.S.No.12/1, R.S.No.14/1. The said request was not acceded to, on the ground that the lands covered under the sale deed fall under the Land Reforms proceedings and there is no guideline value, which has been assigned. Challenging the same, the present writ petition is filed before this Court.

2. The learned counsel appearing for the petitioner submitted that the lands, which are the subject matter of the sale are not covered by the Land Reforms Proceedings being excess lands. Reliance has been made on the decision passed by this court in W.P.No.5396 of 2015 dated 02.03.2015 in this regard.

3. Mr.K.R.Harin, learned Additional Government Pleader, appearing for the respondents also submitted that, while acknowledging the fact that the lands sought to be sold, are at present outside the purview of the Land Reforms Proceedings. In the event of other lands, which form part of the said proceedings, are incapable of being acquired, then, the power is available to the respondents to take over these lands.

5. Considering the very same issue, this Court in W.P.No.5396 of 2015 dated 02.03.2015 was pleased to hold as follows:

"4. When the matter is taken up today, it is brought to the notice of this Court that in identical circumstances, this Court in W.P.No.26558 of 2014 has allowed the writ petition by following the earlier orders in W.P.Nos.12330 of 2007 and 36622 of 2006 etc., The operative portion of the order dated 24.02.2015 reads as follows:

6. Therefore, I am of the view that following the aforesaid decision, this writ petition also has to be allowed and accordingly, the same is allowed with the following direction:

"The third respondent/Sub-Registrar is directed to register the Sale Deed dated 11.06.2014 presented by the petitioner, pertaining to R.S.No.231/4, Cadastre No.1120 bis1/2, 1120 bis 2/2 to an extent of 9000 sq.ft., equivalent to 8 are and 36 centi are, Oulgaret Revenue Village subject to the filing of declaration in Form-16 and subject to the payment of correct stamp duty payable on the document.

5. Since the issue involved in this writ petition is also similar to the cases cited supra, I am inclined to allow this writ petition. Accordingly, the impugned proceedings dated 10.02.2015 is set aside. The second respondent/Sub-Registrar is directed to register the settlement Deed dated 04.02.2015 presented by the petitioner, pertaining to the lands in Puducherry Registration District, Ward-M, Block

12, T.S.No.6/1/A/1/B, R.S.No.131/pt. Cad.332, 338,339/2,351 to an extent of 1220 sq.ft., subject to the filing of declaration in Form-16 and subject to the payment of correct stamp duty payable on the document.

6. The writ petition is allowed to the extent indicated above. No costs.

6. It is submitted by the learned counsel on either side that the issue involved in the above said writ petition, would govern the case on hand.

7. Accordingly, the order impugned is set aside and the Writ Petition stands allowed on the above said terms. No costs.

Sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

gv/ogy

To

1. Union of India rep. by
Chief Secretary to the
Government of Pondicherry,
Pondicherry.
2. The Sub-Registrar,
O/o. Sub Registrar Puducherry,
Puducherry.

+1 CC to MR.P.Sathish, Advocate. SR.NO. 65017
+1 CC to Govt.Pleader. SR.NO. 65128

W.P.No.35538 of 2015

WEB COPY

CO-MG
JD 18/12/2015