

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.5396 of 2015

P.Vilrudhambal @ Vasantha

.. Petitioner

vs.

1. The Union of India,
Rep. By its Chief Secretary to
Government of Pondicherry
Pondicherry.
 2. The Sub Registrar
Pondicherry.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to call for the records of the 2nd respondent relating to the impugned proceedings bearing No.1 of 2015 dated 10.2.2015, quash the same and direct the 2nd respondent to register the settlement deed presented by the petitioner in respect of the petitioner's land in Puducherry Registration District Ward-M, Block-12, T.S.No.6/1/A/1/B, R.S.No.131/Pt., Cad. No. 332, 338,339/2, 351 measuring to an extent of 1220 sq.ft.

For Petitioner : Mr.R.Subramanian

For Respondents: Mr.A.Tamilvanan
Government Advocate

सत्यमेव जयते
ORDER

Heard Mr.R.Subramanian, learned counsel for the petitioner and Mr.A.Tamilvanan, learned Government Advocate appearing on behalf of the respondents.

2. The petitioner challenges the order dated 10.2.2015 passed by the second respondent in and by which the documents presented for registration is rejected on the ground that the same falls under the Land Reform Proceedings.

3. According to the petitioner, he is in possession and enjoyment of the property in question. According to him, when the petitioner presented the settlement deed in favour of his son, the

second respondent by proceedings dated 10.2.2015, refused the same for registration under Section 71 of the Registration Act, 1908 stating that the lands in question falls under the Land Reform Proceedings. Therefore, the petitioner is before this Court.

4. When the matter is taken up today, it is brought to the notice of this Court that in identical circumstances, this Court in WP.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 24.2.2015 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 10.2.2015 is set aside. The second respondent/Sub-Registrar is directed to register the settlement Deed dated 04.2.2015 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary to
Government of Pondicherry
Pondicherry.

2. The Sub Registrar
Pondicherry.

+ 1 cc to Mr.R.Subramanian, Advocate SR.11319

+ 1 cc Government Pleader Sr.11414

TM(CO)
EU 19.03.2015

WP.No.5396 of 2015



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