

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13151 of 2016

1 S.Naresh
2 S.Kamesh
3 A.Abel

... Petitioners

Vs.

1 The Inspector General of Registration
100, Santhome High Road
Chennai-600 028.

2 The Sub-Registrar
Thiruporur
Kancheepuram District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 2nd respondent to complete the pending registration of the petitioners' rectification deeds dated 21.08.2014 vide P201400244, P201400245 and P201400246 and release the same to the petitioners.

For Petitioners : Mr.K.Elango
For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the second respondent to complete the pending registration of petitioners' rectification deeds dated 21.8.2014, vide P201400244, P201400245 and P201400246 and release the same to the petitioners.

(2.1) It is the case of the petitioners that the first petitioner has purchased a property in Plot NO.23, measuring an extent of 2400 Sq.ft in S.No.188/2, 188/2B and (188/3) and the same was registered as Document NO.1408 of 2004 at SRO, Thiruporur. The second petitioner has also purchased a plot

bearing No.26, measuring an extent of 2400 sq.ft in S.No.188/4, 188/2B, and (188/3) and the same was registered as Document NO.1639 of 2004 at SRO, Tirupporur. Likewise, the third petitioner has purchased a plot bearing No.21, measuring an extent of 2400 sq.ft in S.No.188/2, 188/2B, and (188/3) and the same was registered as Document NO.2424 of 2004 at SRO, Tirupporur. Since then, they have been in possession and enjoyment of the same and the petitioners were issued Patta in their names in the year 2004 itself.

(2.2) In the year 2014, they verified with the encumbrance and found that there was an encumbrance in S.No.188/3 in Navalur Village by one Mrs.Shogan Kuwar and two others. The petitioners approached the said persons and they accepted their mistake and subsequently, they have executed a deed of rectification in respect of all the three petitioners. Surprisingly, the second respondent, who has received the pending document Nos.P201400244, P201400245 and P201400246 have not released the same.

(2.3). The petitioners approached the Sub-Registrar, Tirupporur, with request to release above said documents, but he informed that one Tmt.Jeevakumar, w/o Kumar residing at 43/128, Appu Mudali Street, Mylapore, Chennai-4, has filed a writ petition in W.P.No.28184/2013, seeking an order to call for records of the President, Navalur Panchayat and quash the Resolution No.20/2003, dated 09.07.2003 and to direct the Director, Town and Country Planning and President, Navalur Panchayat, not to grant approval to the Suresh Nagar Layout in future, since Mr.M.Suresh Kumar Kankaria had fraudulently misused the cancelled power of attorney of Smt.Jeevakumar's mother and grabbed the family property. It is the specific allegation of Tmt.Jeeva Kumar that S.No.189/2A has been sold to 6 persons through 6 sale deeds and land measuring an extent of 0.09 cents in S.No.198/2B was gifted to local Panchayats for forming roads.

(2.4) In the said writ petition, this Court, by order, dated 11.10.2013, granted Interim stay of all further proceedings pursuant to the impugned resolution and hence, the Sub-Registrar, Tirupporur kept the registration of the documents pending.

(2.5) According to the petitioners, their properties are situated in S.Nos.188/2, 188/2B, (188/3) and 188/4, Navalur, Chengelpet Taluk, Kancheepuram District and they are not related to S.No.189/2A of Navalur Village. Thus, it is clear that the order passed in the aforesaid writ petition does not applicable to the case of the petitioners. Therefore, the act of the second respondent in not releasing the documents of the

petitioners is erroneous. This matter has been kept pending for more than two years and therefore, they finally made a representation dated 4.5.2015 to the respondents to redress their grievance. Since action is not yet taken, they have come up with this writ petition.

3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

4. Considering the submissions of the learned counsel on either side, I find that since this Court has granted interim stay for the Resolution No.20 of 2003, dated 09.07.2003, in respect of approval of Suresh Nagar layout, now the respondents are refusing to register the above documents. It is the specific case of the petitioners that the writ petition filed by Mrs.K.Jeevakumar in W.P.No.28184 of 2013 does not cover the subject matter of the present writ petition, which is in S.Nos.188/2, 188/2B, (188/3) and 188/4, Navalur, Chengelpet Taluk, Kancheepuram District. Hence, the respondents ought to have released the documents and they cannot reject their request, on the ground that interim stay is granted in respect of some other survey number in the same layout. Hence, I am of the opinion to direct the respondents to pass an appropriate order with regard to rectification deeds presented by the petitioners, by conducting enquiry.

5. Accordingly, the respondents are directed to pass an appropriate order with regard to rectification deeds, dated 21.8.2014, vide Document Nos. P201400244, P201400245 and P201400246 submitted by the petitioners and release the same to the petitioners, by conducting proper enquiry with the petitioners and also with all other necessary parties concerned in respect of S.Nos.188/2, 188/2B, (188/3) and 188/4. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observations, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ajr

To

1 The Inspector General of Registration
100, Santhome High Road
Chennai-600 028.

2 The Sub-Registrar
Thiruporur
Kancheepuram District

+1 cc to Mr.K.Elangoo, Advocate, sr.22319

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