

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.14774 of 2016

1.Mohideen Sheik Udhuman
2.M.Sheik Mohamed
3.P.Suganthi ... Petitioners

/vs/

1.Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Chennai -600 004.
2.The Sub Registrar,
Sub-Registrar Office,
Tiruporur Post
Kancheepuram District.
3.The Tahsildar,
Office of the Tahsildar,
Tiruporur Post
Kancheepuram District. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the 1st respondent herein to consider and pass orders on the petitioner's representation dated 20.02.2016 to delete the wrong entries of Hindu Religious Endowment Department, Government Canal and Government Poromboku land in survey Nos.120 to 125 and the guidelines value fixed abnormally within the compound wall in survey Nos.117 to 119 and 5 to 11/2-5 of Kelambakkam Village, Kancheepuram District.

For Petitioners : Mr.D.Veerasekaran
For Respondents : Mrs.M.E.Raniselvam
Additional Government Pleader

ORDER

The petitioners have filed the present writ petition for a Mandamus directing the first respondent herein to consider and pass orders on their representation dated 20.02.2016 by

deleting the wrong entries of 'Hindu Religious and Charitable Endowment Department', 'Government Canal' and 'Government Poromboke land' in survey Nos.120 to 125 and the guideline value fixed abnormally in respect of the land in survey Nos.117 to 119 and 5 to 11/2-5 of Kelambakkam Village, Kancheepuram District, situated within a compound wall.

2. The case of the petitioner, as per the averments made in the writ petition, is as follows:

2.1 Originally, the lands measuring to an extent of 12.56 acres in S.Nos.5 to 11/2 and 117 to 125/2 of Kelambakkam Village belonged to one Thayarammal, who sold the same to one Col.Gurudayal Singh in the years 1948, 1951 and 1952. The said Col.Gurudayal Singh died on 10.05.1982 leaving behind a Will executed on 28.11.1961 in favour of his son Col.I.S.Gill. The said Will was probated by the order of this court dated 06.04.1984 made in OP.No.402 of 1984 in favour of Col.I.S.Gill and thus, he became the owner of the properties left out by his father Col.Gurudayal Singh.

2.2 Thereafter, the properties in question were purchased by one Sujatha Kesavan under a registered sale deed dated 09.08.1985 bearing Document No.2226 of 1985 on the file of the Sub Registrar, Tiruporur, Kancheepuram District. From the date of purchase, the said Sujatha Kesavan has been in possession and enjoyment of the same and she has obtained patta along with Chitta, A register and Adangal in her name. While so, she sold the said properties to one M/s.Accord Finance and Properties Pvt. Ltd under a sale deed dated 27.07.1995 registered as Document No.2020 of 1995 on the file of the Sub Registrar, Tiruporur.

2.3 The said M/s.Accord Finance and Properties Pvt. Ltd inturn sold a part of the said properties measuring to an extent of 6.98 acres of Kelambakkam Village, Tiruporur Taluk, Kancheepuram District to the petitioners herein and four others viz., Prasanthi Reddy, Sri Varada Reddy, Dola Sunil Reddy and Dola Shesha Reddy under a separate sale deeds which were registered as Document Nos.1574 to 1580 of 1999 dated 16.08.1999 on the file of the Sub Registrar, Tiruporur.

2.4 After the purchase, the petitioners herein intended to sell their respective shares and accordingly, they entered into an agreement for sale of their undivided shares of the lands to one V.Sowrirajan, V.Rajagopal and R.Srividhya on 8.3.2016. When they presented the document for registration, the second respondent refused to register the same for the reasons that certain survey numbers i.e., S.Nos.120 to 125 are falling under the lands belonging to Hindu Religious and Charitable Endowment Department, Government Canal and Government Poromboke lands and different guideline values have been fixed for certain

survey numbers from S.Nos.117 to 125/2 and 5 to 11/2-5 of Kelambakkam Village, Kancheepuram District, situated within a compound wall.

2.5 According to the petitioners, there was no wrong entry with regard to the petitioners' lands in the patta, Chitta, A register and Adangal maintained by the third respondent and the discrepancies were found only in the guideline register maintained by the second respondent. In this regard, the petitioners made a detailed representation dated 20.02.2016 to the first respondent, requesting to delete the wrong entries of HR &CE department, Government Canal and Government Poromboke lands and the guideline values fixed abnormally in respect of their lands. However, till date, no action has been taken by the first respondent. Therefore, the petitioners have approached this Court with the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents.

4. Considering the limited nature of the relief sought for herein, this Court directs the first respondent to consider the representation of the petitioners dated 20.02.2016, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, whose interest being affected and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim projected by the petitioners and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.
rk

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 004.

2.The Sub Registrar,
Sub-Registrar Office,
Tiruporur Post
Kancheepuram District.

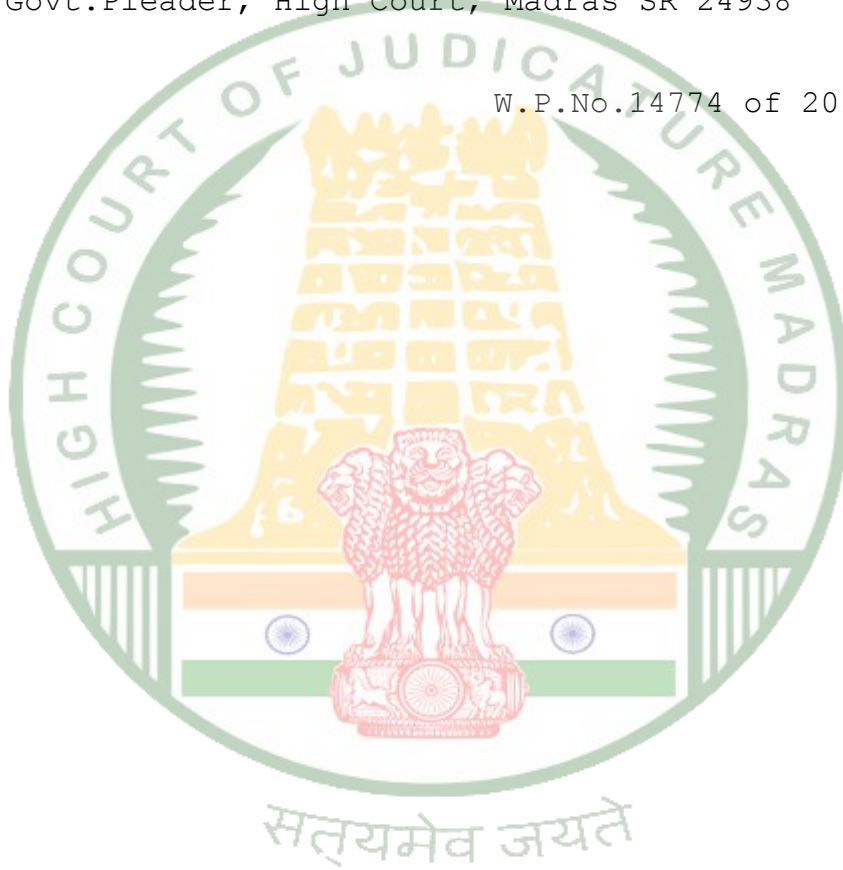
3.The Tahsildar,
Office of the Tahsildar,
Tiruporur Post
Kancheepuram District.

+ 1 cc to Mr.D.Veerasekaran, Advocate, SR 24684

+ 1 cc to Govt.Pleader, High Court, Madras SR 24938

bvr(co)
prk29/4

W.P.No.14774 of 2016



WEB COPY