

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.16094 of 2016

M.S.Yasmin Begum

... Petitioner

vs.

The District Registrar Joint -I,
State Bank Road
Collector Office Compound,
Coimbatore 641 018.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 22.04.2016 in seeking to return the sale deed dated 30.03.2016 registered in pending document No.P.43 dated 30.03.2016 to the petitioner by completing the registration in respect of the lands measuring an extent of 1.61 acres as per Patta Nos.2667 and 712 situated in S.Nos.719/1 and 719/2 of Kurichi Village, Madukarai Taluk, Coimbatore District.

For Petitioner	:	Mr.G.Arul Murugan
For Respondent	:	Mr.P.Sanjay Gandhi, Addl.Govt.Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to register and to return the sale deed executed in respect of the lands measuring to an extent of 1.61 acres under Patta Nos.2667 and 712 situated in S.Nos.719/1 and 719/2 of Kurichi Village, Madukarai Taluk, Coimbatore District, which is pending for registration bearing No.P.43 dated 30.03.2016, to the petitioner, by considering her representation dated 22.04.2016.

2. The case of the petitioner as averred in the writ petition, is as follows:

2.1 Originally, the property measuring to an extent of 1.61 acres situated in S.Nos.719/1 and 719/2 of Kurichi village

belonged to one Nagappan @ Naganna Gounder and his wife Rangammal, who purchased the same through a registered sale deed dated 26.10.1958 bearing Document No.5101/1958 on the file of the District Registrar, Coimbatore. Thereafter, the said Nagappan @ Naganna Gounder and Rangammal have executed a registered settlement deed bearing Document no.3059 of 2009 dated 08.07.2009 on the file of the District Registrar, Coimbatore, in favour of their three sons viz., Myilsamy, Bathirappan and Aaruchami. From the date of execution of the settlement deed, the above said three persons became the absolute owner of the property in question.

2.2 While so, Bathirappan died on 13.08.2012 as intestate leaving behind his wife Balammal and his two sons viz., Kannan and Mohan as his legal heirs in order to succeed to his estate. The Tahsildar, Coimbatore South has also issued a legal heir certificate dated 19.12.2012 to that effect. Thus, Myilsamy, Aaruchami and the legal heirs of Bathirappan viz., Balammal, Kannan and Mohan became the absolute owners of the property in question.

2.3 Thereafter, the petitioner herein purchased the property in question through a sale deed dated 30.03.2006 from the above said persons.

2.4 According to the petitioner, the property in question is only an agricultural land. However, since the adjacent lands have been converted as residential layout, the respondent demanded the petitioner to pay the stamp duty in respect of the property in question on square feet basis, as per the prevailing price in the layout. The petitioner has also agreed to pay the same and accordingly, paid the entire stamp duty to the tune of Rs.14,34,550/- towards registration of the document.

2.5 While so, when the UDR patta was updated in the computer records, the names of the legal heirs of one Palanisamy were wrongly entered along with the name of the petitioner's vendors in patta no.2667 and other legal heirs of one Semba Gounder were wrongly included along with the petitioner's vendors names in patta No.712. Therefore, the respondent though received the sale deed executed in favour of the petitioner, is keeping the same as pending vide No.P43 dated 30.03.2016.

2.6 In view of the same, the petitioner's vendors made an application to the Tahsildar, who intturn rectified the said mistake crept in the patta. Accordingly, the land in patta nos.2667 and 712 exclusively stands in the names of the petitioner's vendors. On rectifying the said mistake, the petitioner made a representation dated 22.04.2016 to the respondent along with the copies of the rectified patta, seeking

to return the sale deed after registration. However, till date, no action has been taken by the respondent. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondent.

4. Considering the limited nature of the relief sought for herein, this Court directs the respondent to consider the representation of the petitioner dated 22.04.2016, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the 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

The District Registrar Joint -I,
State Bank Road, Collector Office Compound,
Coimbatore 641 018.

+ 1 cc to Mr.G.Arulmurugan, Advocate, SR 26935

+ 1 cc to Govt.Pleader, High Court, Madras SR 27413

bvr(co)
prk29/4

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