

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.3179 of 2015

and

MP.No.1 of 2015

A.Nallammal

.. Petitioner

Vs.

1.The District Collector,
Perambalur District,
Perambalur.

2.The Sub Registrar,
Veppanthattai,
Perambalur District.

3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the second respondent to restore original land value in the guideline register after deleting 'zero' value, whereupon, directing the third respondent grant patta to her house site No.439 measuring an extent of 1300 sq.ft comprised in S.F.No.449/2 Udumbiyam Village, Veppanthattai Taluk, Perambalur District by considering the petitioner's representation dated 19.12.2014.

For Petitioner : Mr.N.Manokaran

For Respondents : Mrs.P.Rajalakshmi,
Govt.Advocate

ORDER

The petitioner has come up with the present writ petition for a Mandamus, directing the second respondent to restore the original land value in the guideline register after

deleting 'zero' value and also directing the third respondent to grant patta in respect of her house site bearing No.439 measuring to an extent of 1300 sq.ft in S.F.No.449/2, Udumbiyam Village, Veppanthattai Taluk, Perambalur District, by considering her representation dated 19.12.2014.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. It is the case of the petitioner that she purchased a house site bearing No.439 measuring to an extent of 1300 sq.ft. comprised in S.F.No.449/2 under a registered sale deed dated 03.05.2010 bearing Document No.1219 of 2010 from one A.Kaliyamoorthy, who is the power agent of one M.Vijaya. After getting the original sale deed, she has taken steps to effect mutation in the revenue records in her name for the purpose of getting an approval for construction. While so, she came to know that the respondents 2 and 3 have treated the petitioner's land in S.F.No.449/2 as 'Zero' value. Hence, she made a petition dated 19.12.2014 to the second respondent requesting to restore the land value to its original value. She also made a petition dated 22.12.2014 to the third respondent requesting to grant patta in her name in respect of her property. However, till date, no order has been passed by the respondents 2 and 3. Therefore, the petitioner has filed the present writ petition for the above stated relief.

4. When the writ petition came up for consideration, learned counsel for the petitioner has drawn the attention of this Court to the order dated 24.06.2014 made in WP.No.24061 of 2012, which was filed by one A.Kaliyamoorthy, challenging the order dated 16.08.2012 passed by the Sub Registrar, Veppanthattai, Perambalur District stating that the value of the property in R.S.No.468/1 Udumbiyam Village, Veppanthattai Taluk, Perambalur District has been fixed as Zero value and therefore, the sale deed in respect of the said property has not been registered. The said writ petition was allowed by setting aside the impugned order and by directing the Registering Authority to register the sale deed. While doing so, this Court has held as follows:

"4.The learned counsel for the petitioner would submit that when the property in question has gone through number of transactions right from 1974 and sale deeds have been registered by the Registering Authority for a value executed by Thiru Ramasamy Gounder in favour of third parties, rejecting the said registration by the impugned order holding that it has got a zero value, can never be sustained both on facts and in law. The learned counsel for the petitioner also drew my attention pertaining to the same

document, various sale deeds were transacted and registered with the Registering Authority. If that be so, the rejection and refusal to register the document submitted by the petitioner arising out of the same survey number, would vitiate the order impugned. Moreover, there is no basis whatsoever for the Registering Authority to state that this land is not suitable for registration as it has zero value. Further, the registration was refused earlier in respect of the same land on the ground that the lands are Panchami lands and this Court in WP.No.25518 of 2011 allowed the writ petition and set aside the order passed by the Registering Authority. While so, once again the Registering Authority has passed an order refusing to register it holding that it has got a zero value. Therefore, I find that the Registrar has not applied his mind while passing the impugned order.

5. Therefore, the order of the respondent suffers from infirmity and illegality, warranting interference by this Court. Hence, the writ petition is liable to be allowed and it is accordingly allowed. Consequently, the impugned order is set aside and the Registering Authority is directed to register the petitioner's document in respect of the property, within a period of four weeks from the date of receipt of a copy of this order."

5. I am of the view that since the property involved in the said writ petition and the property in question are situated in one and the same village, i.e., Udumbiyam Village, Veppanthattai Taluk, Perambalur District, the observation rendered by this court on earlier occasion as extracted above is squarely applicable to the present case also.

6. Accordingly, the writ petition is disposed of, by directing the second respondent to register the document in respect of the house site bearing No.439 in S.No.449/2, Udumbiyam Village, Veppanthattai Taluk, Perambalur District, if not already registered and to restore the original land value in the guideline register by considering the petitioner's representation dated 19.12.2014. The third respondent is also directed to conduct enquiry on the petitioner's representation dated 22.12.2014 and pass an appropriate order with regard to grant of patta to the petitioner, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No

costs. Consequently, connected Miscellaneous Petition is closed.

rk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

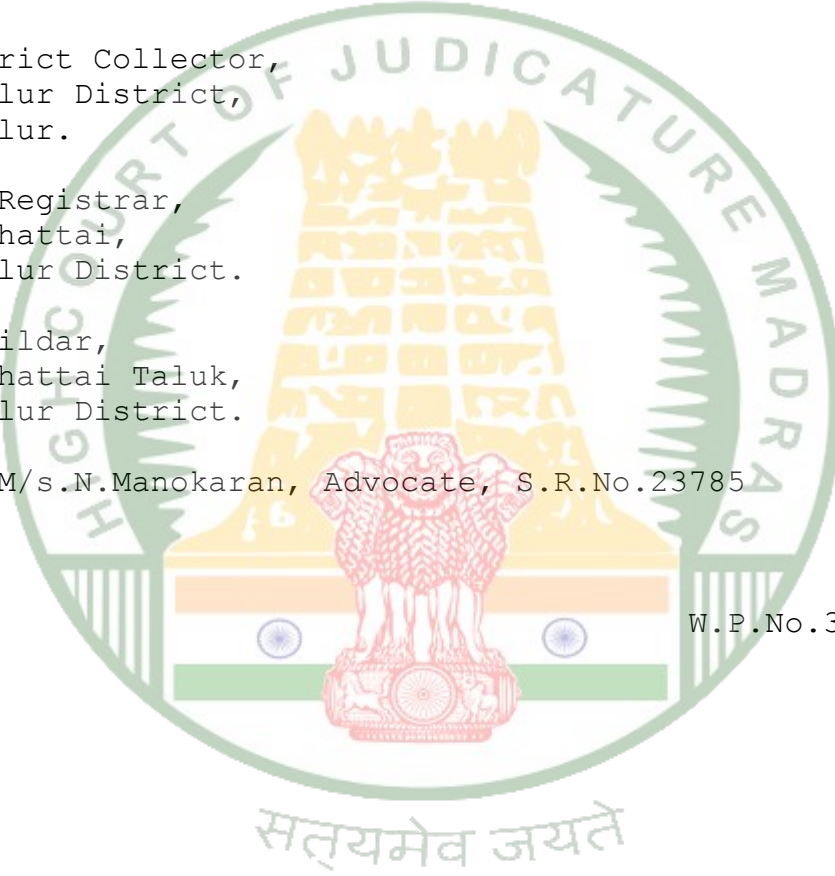
To

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.The Sub Registrar,
Veppanthattai,
Perambalur District.
- 3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

+ 1 cc to M/s.N.Manokaran, Advocate, S.R.No.23785

KR/26/4/16

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