

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.33405 of 2015
and
M.P.No.1 of 2015

R.Uma

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome,
Chennai - 600 004,
2. The Sub Registrar,
Ambattur,
Chennai - 600 053,
3. Tamil Nadu Mercantile Bank,
Valarasavakkam Branch,
Valasaravakkam,
Chennai - 600 087.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to register the documents that may be presented for registration by the petitioner in respect of the property situated in S.No.572, Thirumullaivoil village, Ambathur Taluk, Thiruvallur District and as per Patta New S.No.572/2 which is correlated to T.S.No.4/2, Block No.84 of Ward 'D' within the Registration District of Thiruvallur and Sub Registration District of Ambattur as per the provisions of Indian Registration Act without insisting any other unwarranted additional formalities.

For Petitioner : Mr.L.Chandrakumar

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

O R D E R

This writ petition has been filed by the petitioner seeking a direction to the 2nd respondent to register the documents presented for registration by the petitioner in respect of the property situated in S.No.572, Thirumullaivoil village, Ambathur Taluk, Thiruvallur District and as per Patta New S.No.572/2 which is correlated to T.S.No.4/2, Block No.84 of Ward 'D' within the Registration District of Thiruvallur and Sub Registration District of Ambattur.

2. Learned counsel appearing for the petitioner submitted that the notice issued by the District Collector, Thiruvallur has been set aside by this Court in W.P.No.28114 of 2014. In pursuant to the same, no proceedings have been initiated till now. Therefore, there is no bar in law as of now to register the documents.

3. In the counter affidavit filed by the 2nd respondent, it has been stated that in view of the communication dated 7.10.2014 of the District Collector calling upon the petitioner for an enquiry alleging that the land which has been in his occupation has been classified as 'Kannakan kuttai', and on 24.10.2014 the Personal Assistant of District Collector, Thiruvallur sent proceedings dated 24.10.2014 to the 2nd respondent, the registration of the documents in respect of the above said property was stopped. For the communication sent by the 2nd respondent to the District Collector, there is no response and therefore the said authority is unable to do the registration.

4. In W.P.No.28114 of 2014, which has been filed by one P.Ramadosh challenging the proceedings of the Collector, Thiruvallur District dated 7.10.2014, this Court passed an order on 30.1.2015, which reads as under:

'5. In any event, it is seen that original patta was granted in the name of one Palanichamy Nadar in respect of the said property during 1997 and thereafter, patta has been transferred in the name of the petitioner during 2011. As on date, the patta issued in the name of the petitioner has not been cancelled, modified or altered. Therefore, by virtue of notice issued from the Office of the District Collector and summoning the petitioner to appear for an enquiry, the patta already granted to the petitioner cannot be cancelled and there is a procedure to be adopted under the provisions of the Patta Pass Book Act.

6. Hence, the Writ Petition is allowed and the impugned notice is quashed. However, this order will not prevent the respondents from proceeding the matter in accordance with law, if they are so advised. No costs. Consequently, connected Miscellaneous Petitions are closed.'

5. In view of the above order, as of now, there is no bar for registration of the documents. Such a registration will not obliterate the rights of the Government as it is well open to it to take appropriate action through District Collector in the manner known to law. Such a liberty was already given by this Court in the earlier occasion.

6. Accordingly, the writ petition stands allowed by directing the 2nd respondent to register documents to be presented by the petitioner, subject to the other compliance. It is made clear that this order is passed without prejudice to the rights of the revenue authorities from taking appropriate action as per law. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector General of Registration,
Santhome, Chennai - 600 004.

2. The Sub Registrar,
Ambattur, Chennai - 600 053.

+ 1 CC TO THE GOVT.PLEADER, SR 6092

+ 1 CC TO Mr.L.Chandrakumar, ADVOCATE SR 5992

KR/3/2/16

W.P.No.33405 of 2015

सत्यमेव जयते

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