

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.2.2016.

CORAM

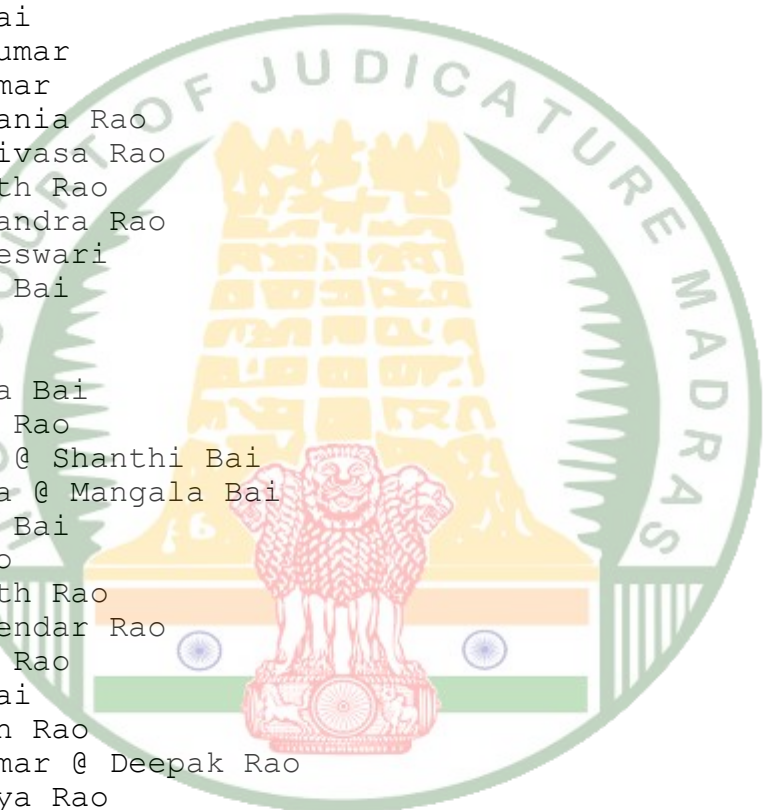
THE HON'BLE MR.JUSTICE R.SUBBIAH

W.P.No.37825 of 2015

and

M.P.No.1 of 2015

1 G. Leelabai
2 G. SunilKumar
3 G. AnilKumar
4 K. Subramania Rao
5 K. Shreenivasa Rao
6 K. Gopinath Rao
7 K. Ramachandra Rao
8 K. Bhuvaneswari
9 K. Geetha Bai
10 K. Janaki
11 K. Baby
12 N. Nirmala Bai
13 K. Ganesh Rao
14 N. Santha @ Shanthi Bai
15 N. Mangala @ Mangala Bai
16 N. Saroja Bai
17 Baskar Rao
18 B. Jeganath Rao
19 B. Raghavendar Rao
20 N. Mahesh Rao
21 N. Usha Bai
22 S. Atchath Rao
23 S. Arunkumar @ Deepak Rao
24 Subramaniya Rao
25 B. Ilangeswaran
26 A. Senthilmurugan



सत्यमेव जयते

Petitioners

vs.

1 The District Registrar
Krishnagiri District Krishnagiri

2 The Joint - 1 Sub Registrar
O/o. Joint-1 Sub Registrar
Krishnagiri Krishnagiri District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the Respondents to register the sale deed executed by the Petitioners dated 31.07.2015 in respect of the landed properties comprised in S.Nos.44/3 44/4 and 44/9 Kothapettah Village Krishnagiri Taluk & District declared to be Ryotwari Patta land as per the orders passed in A.S.No.140 of 1995 dated 07.01.1997 on the file of Additional District Judge Krishnagiri as confirmed by the orders passed in S.A.No.531 of 1997 dated 21.08.2015 on the file of Honourable High Court of Madras under the provisions of Registration Act, within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

The writ petition has been filed seeking issuance of a writ of mandamus directing the Respondents to register the sale deed executed by the Petitioners dated 31.07.2015 in respect of the landed properties comprised in S.Nos.44/3 44/4 and 44/9 Kothapettah Village Krishnagiri Taluk & District declared to be Ryotwari Patta land as per the orders passed in A.S.No.140 of 1995 dated 07.01.1997 on the file of Additional District Judge Krishnagiri as confirmed by the orders passed in S.A.No.531 of 1997 dated 21.08.2015 on the file of this court under the provisions of Registration Act, within a time frame to be fixed by this Court.

2. Heard the learned counsel appearing for either side.

3. The petitioners claim that petitioners 1 to 24 are the owners of the properties to an extent of 7.39 acres in S.Nos.44/3 44/4 and 44/9 Kothapettah Village Krishnagiri Taluk & District and petitioners 25 and 26 are their power agents. The grievance of the petitioners are aggrieved over the refusal on the part of the second respondent to register a sale deed executed by them in favour of one D.Mathiazhagan to sell the abovesaid lands on premise that those lands are poramboke land. According to the petitioners, there were some disputes with regard to the classification of the said lands at the hands of the original owners viz., R.Narasinga Rao and R.Krishnaji Rao from whom petitioners 1 to 24 claim to have inherited title as their legal heirs. To resolve the same, a suit came to be filed by the original owners in O.S.No.784 of 1982 on the file of the District Munsif, Krishnagiri against the official respondents, which stood dismissed. Aggrieved against the same, the original

owners had filed an appeal in A.S.No.140 of 1995, which was allowed thereby the suit was decreed in their favour. The second appeal in S.A.No.531 of 1997, preferred by the defendants was allowed to be abated and thereby the title of the original owners and that of petitioners 1 to 24 was confirmed. Therefore, the claim of the petitioners is that the sale deed presented by the petitioners for registration cannot be refused to be registered by the second respondent.

4. Considering the facts and circumstances of the case and the nature of the relief sought for in the writ petition, this court directs the petitioner to submit a representation to the second respondent alongwith a copy of judgment in A.S.No.140 of 1995 and in S.A.No.531 of 1997, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to conduct enquiry and pass appropriate orders with regard to registration of the document, within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To

1 The District Registrar
Krishnagiri District Krishnagiri

2 The Joint - 1 Sub Registrar
O/o. Joint-1 Sub Registrar
Krishnagiri Krishnagiri District

+1 cc to Government Pleader sr.10562

+1 cc to Mr.G.Sankaran Advocate sr.10635

W.P.No.37825 of 2015

aa25/02/2016