

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39213 of 2015

J.Vijayalakshmi

... Petitioner

vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
 - 2.The Deputy Inspector General of Registration,
Vellore District, Vellore.
 - 3.The District Registrar,
Arakonam, Vellore District.
 - 4.The Joint-1 Sub Registrar,
Arakonam, Vellore District.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the fourth respondent to register the sale deeds which are pending vide No.P15/2015 dated 31.03.2015 that was sold to Mrs.M.Selvi and another plot sold to Mrs.Manimekalai vide No.P22/2015 dated 27.05.2015 and delivering the same to the petitioner and permitting her to alienate the remaining plots to the intending purchasers and get the sale deeds registered.

For Petitioner : M/s.N.Sudharsan
For Respondents : Mr.P.Rajalakshmi, GA

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the fourth respondent to register the sale deeds, which are pending vide No.P15/2015 dated 31.03.2015 that was sold to M.Selvi and No.P22/2015 dated 27.05.2015 that was sold to Manimekalai and deliver the same to the petitioner and permit her to alienate the remaining plots to the intending purchasers and get the sale deeds registered.

2. It is the case of the petitioner that one P.Sridhar became the absolute owner of the property measuring an extent of 1.34 + 1.32 = 2.66 acres in Old Survey Nos.986/12B and 986/12C in Paranj Village, Arakonam Taluk, Vellore District and he executed a general power of attorney in favour of the petitioner vide Doc.No.100/2011 dated 18.2.2011 registered on the file of the Joint -1 Sub Registrar office, Arakonam, for the purpose of developing the said property by dividing it into housing plots and to alienate the same to the intending purchasers. Since the said property was an agricultural punja land, prior approval and no objection certificate from the Panchayat Board are necessary for sub dividing the same into housing plots. Therefore, the petitioner duly sub divided the property into 88 housing plots and named as 'J.V. Nagar' and submitted a plan for approval and obtained sanction from Paranj Panchayat Board vide No.65/2011 dated 10.03.2011.

3. It is the further case of the petitioner that the petitioner sold 30 plots, out of 88 plots and got the documents registered in favour of the intending purchasers and released. However, other two plots sold to Selvi and Manimekalai vide two separate sale deeds are pending vide Nos.P15/2015 dated 31.03.2015 and P22/2015 dated 27.05.2015 on the file of the fourth respondent, without registration on the ground that the said land is D.C. land allotted to Schedule Caste. Thereafter, on perusal of the Land Records e-Service, the petitioner came to know that the said land falls under the category of 'land of private party'. In this regard, the petitioner made a representation dated 9.11.2015 to the first respondent. However, till date, no order has been passed. Therefore, the petitioner has filed the present writ petition for the above stated relief.

4. Learned counsel for the petitioner submitted that when the revenue records disclose the subject land as a private land and the fourth respondent had already registered and released 30 documents, he ought to have registered the present two sale deeds in respect of the property in the same survey number. Learned counsel for the petitioner further submitted that the fourth respondent can deny the registration of the documents only on the grounds mentioned in Rule 55 of the Registration Rules. In the absence of one such ground, the failure of the fourth respondent to register and release the documents is unjust and illegal.

5. Heard the learned Government Advocate appearing for the respondents.

6. Keeping the submissions made on either side, I have carefully perused the documents available on record. This Court finds some force in the argument so advanced on the side of the petitioner. It is the specific case of the petitioner that she

in the capacity of power agent, had already executed 30 sale deeds in favour of the intending purchasers in respect of the subject property and got them registered with the fourth respondent. When that being so, I find no reason to retain other two sale deeds in respect of the same property without registration by the fourth respondent.

7. Further, as rightly pointed out by the learned counsel for the petitioner, the fourth respondent has no reason to keep the documents pending for registration, in the light of Rule 55 of the Registration Rules, which clearly says that it forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;

(d) that the executing party is not really dead, as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic.

8. Therefore, in the absence of any of the grounds as mentioned in Rule 55, I am of the opinion that there is no justification on the part of the fourth respondent for retaining the documents without registration. Accordingly, a direction is issued to the fourth respondent to register and release the sale deeds bearing Nos.P15/2015 dated 31.03.2015 and P22/2015 dated 27.05.2015 to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai 600 028.

2.The Deputy Inspector General of Registration,
Vellore District, Vellore.

3.The District Registrar,
Arakonam, Vellore District.

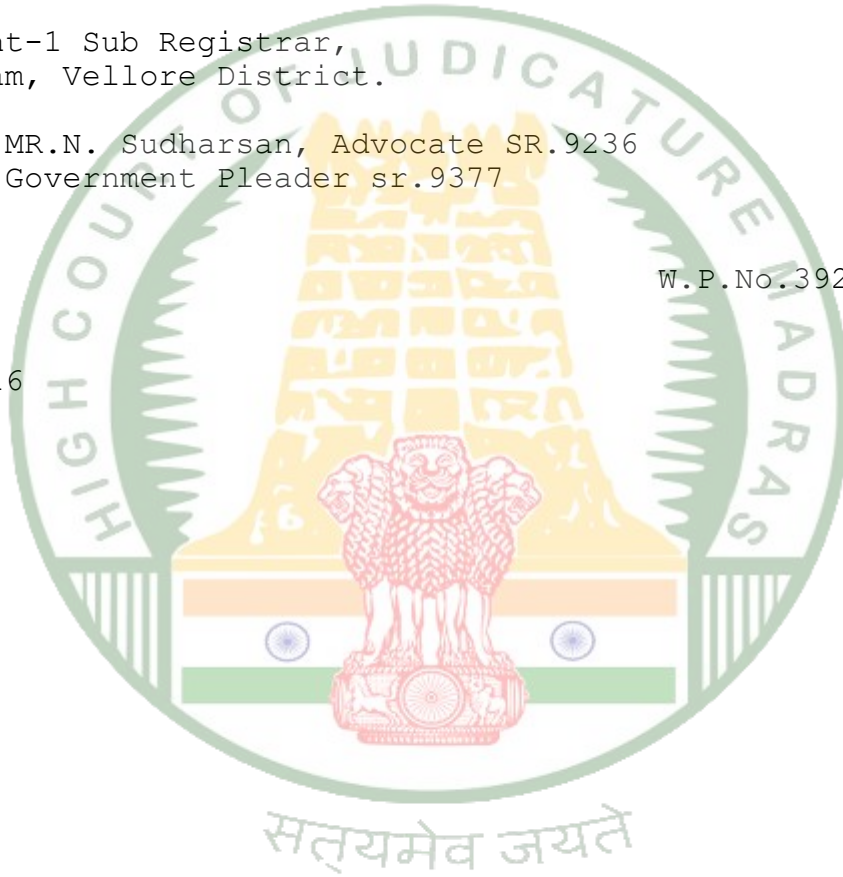
4.The Joint-1 Sub Registrar,
Arakonam, Vellore District.

+ 1 cc to MR.N. Sudharsan, Advocate SR.9236

+ 1 cc to Government Pleader sr.9377

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CTK(CO)
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