

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8504 of 2016  
and WMP.No.7572 of 2016

D.Uma Maheswaran

... Petitioner

vs.

1. The Secretary  
Commercial Taxes & Registration Department,  
Secretariat,  
Fort St..George, Chennai.

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

3. The Sub-Registrar  
Tiruporur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the third respondent to complete the pending registration of the sale deeds and construction agreements, dated 26.11.2014, vide P201400375, P201400376, P201400377, P201400378, P201400379, P201400380, P201400381, P201400382, P201400383, P201400384, P201400385, P201400386, P201400387, P201400388 and release the same to the petitioner.

For Petitioner : Mr.M.Deivanandam

For Respondents: Mr.V.Jayaprakash Narayanan,  
Spl.Government Pleader

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the third respondent to complete the pending registration of the sale deeds and construction agreements, dated 26.11.2014, vide P201400375, P201400376, P201400377, P201400378, P201400379, P201400380, P201400381, P201400382, P201400383,

P201400384, P201400385, P201400386, P201400387, P201400388 and release the same to the petitioner.

2. The petitioner has averred in his affidavit that Plot No.1, Suresh Ngar Layout in Survey No.198/2A and 198/2B, measuring an extent of 2556 sq.ft in Patta No.658 (As per Patta 198/2A1B and 198/2A/1C) Navalur village, Tiruporur Panchayat Union, Chengalpet Taluk, Kancheepuram District was acquired by the petitioner, by way of exchange of properties, vide Document, dated 30.03.2012 registered as Document No.3848/2012 registered on the file of the Sub-Registrar, Tiruporur. The said Deed was executed between the petitioner and (1) Mrs.Sohan Kuwar, w/o Mohanlal Kankaria and (2) T.Mohanlal Kankari, s/o Tejraj Kankaria. From the date of acquisition of the above said property, the petitioner was in absolute possession and enjoyment of the same and the petitioner was issued with Patta No.865.

3. The petitioner sold the undivided share of the above property to D.Ramakrishnaraju, P.R.Vittal and C.Subramaniam, vide 7 sale deeds and 7 construction agreements, dated 26.11.2014 and the same were submitted for registration by paying appropriate stamp duty and registration fees with the Sub-Registrar, Tiruporur. The Sub-Registrar, Tiruporur proceeded with the registration of the sale deeds and construction agreements, but kept the registration pending vide, P201400375, P201400376, P201400377, P201400378, P201400379, P201400380, P201400381, P201400382, P201400383, P201400384, P201400385, P201400386, P201400387, P201400388. The petitioner approached the Sub-Registrar, Tiruporur, with request to complete the registration of the above said documents, but he informed that one Tmt.Jeevakumar, w/o Kumar residing at 43/128, Appu Mudali Street, Mylapore, Chennai-4, has filed a writ petition in W.P.No.28184/2013, seeking an order to call for records of the President, Navalur Panchayat and quash the Resolution No.20/2003, dated 09.07.2003 and to direct the Director, Town and Country Planning and President, Navalur Panchayat, not to grant approval to the Suresh Nagar Layout in future, since Mr.M.Suresh Kumar Kankaria had fraudulently misused the cancelled power of attorney of Smt.Jeevakumar's mother and grabbed the family property. In the said writ petition, this Court, by order, dated 11.10.2013, granted Interim stay of all further proceedings pursuant to the impugned resolution and hence, the Sub-Registrar, Tiruporur kept the registration of the documents pending.

4. According to the petitioner, on a perusal of the affidavit filed by Tmt.K.Jeevakumar in W.P.No.28184 / 2013, it is seen that Tmt.K.Jeevakumar and her siblings jointly enjoyed the properties in Survey Nos.103/1B2B, 103/3, 122/4B, 189/2A, 190/4,

198/1B3, 198/2B, 216/2H and her mother Tmt.Meenkshiammal executed a deed of power of attorney in Document No.375/1995 on 14.12.1995 and appointed Mr.Suresh Kumar Kankaria, as her power of attorney to plot out and sell the lands in Survey No.189/2A, to an extent of 0.31 cents and the said Mr.Suresh Kumar Kankaria never developed the property or sold the individual house sites during the life time of Tmt.Meenakshiammal and she expired on 28.08.2002 and the said Mr.Suresh Kumar Kankaria formed layout in the name and style of Suresh Nagar, including the property of Tmt.Meenakshiammal in the layout and plotted out 110 plots and using the power deed of Tmt.Meenakshiammal in Document No.375/1995, got No Objection Certificate in 2003 from the President, Navalur Panchayat for selling the plot in the layout and the President, Navalur Panchayat, vide Resolution No.20, dated 09.07.2003 issued a No Objection Certificate to Mr.Suresh Kumar Kankaria and he sold the plots to several persons in Document Nos.1642/2004, 1643/2004, 1860/2004, 2423/2004, 2426/2004 and 91.2006 and he also included the lands of his father, Mr.T.K.Ethiraj Gramani in the layout, without any authority to an extent of 0.09 cents in S.No.198/2B and gifted the lands to local panchayats for forming roads. The above said property owned by the petitioner is in S.No.198/2A and 198/2B and it is not the subject matter of the W.P.No.28184/2013. Though there is no order or direction in the above writ petition restraining the Sub-Registrar, Tiruporur to register the lands other than the lands in Survey No.189/2A, Navalur Village, now the Sub-Registrar is refusing to register the document and therefore, the refusal of the Sub-Registrar, Tiruporur to complete the registration of the above said land in Survey No.198/2A and 198/2B is illegal. There is no prayer or order in W.P.No.28184 of 2013 restraining the Sub-Registrar, Tiruporur from registering the plots in Suresh Nagar layout, in respect of Survey Nos.198/2A and 198/2B. In the light of the above facts, the Sub-Registrar, Tiruporur ought not to have kept the registration of the above documents. The same has been kept pending for more than one year.

5. On the above said facts, the petitioner sent a representation, dated 23.02.2016 to the respondents herein for redressal of his grievance, but till date, the respondents have not acted upon the representation of the petitioner. Since the third respondent herein has kept the registration of the land in Plot No.1, Suresh Nagar Layout in Survey No.198/2A and 198/2B, measuring an extent of 2556 sq.ft in Patta No.658, Navalur village, Tiruporur Panchayat Union, Chengalpet Taluk, Kancheepuram District, citing the interim stay granted by this Court made in M.P.No.3 of 2013 in W.P.No.28184 of 2013, the petitioner has come forward with the present writ petition, seeking for the relief as stated supra.

6. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

7. Considering the submissions of the learned counsel appearing for the petitioner, I find that since this Court has granted interim stay for the Resolution No.20 of 2003, dated 09.07.2003, in respect of approval of Suresh Nagar layout, now the respondents are refusing to register the above documents. It is the specific case of the petitioner that the writ petition filed by Mrs.K.Jeevakumar in W.P.No.28184 of 2013 does not cover the subject matter of the present writ petition, which is in S.No.198/2A and 198/2B. Hence, the respondents ought to have registered the document and they cannot deny to register the same, on the ground of the interim stay granted in respect of some other survey number in the same layout. Hence, I am of the opinion to direct the respondents to pass an appropriate order with regard to registration of the documents presented by the petitioner, by conducting enquiry.

8. Accordingly, the respondents are directed to pass an appropriate order with regard to registration of the sale deed and construction agreements, dated 26.11.2014, vide P201400375, P201400376, P201400377, P201400378, P201400379, P201400380, P201400381, P201400382, P201400383, P201400384, P201400385, P201400386, P201400387, P201400388 and release the same to the petitioner, by conducting proper enquiry with the petitioner and also with all other necessary parties concerned in respect of S.No.198 / 2A and S.No.198/2B. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

9. With the above observations, this writ petition is disposed of. No costs. Consequently, connected WMP.No.7572 of 2016 is closed.

Sd/-  
Asst.Registrar (CS II )

/true copy/

Sub Asst. Registrar

tsvn

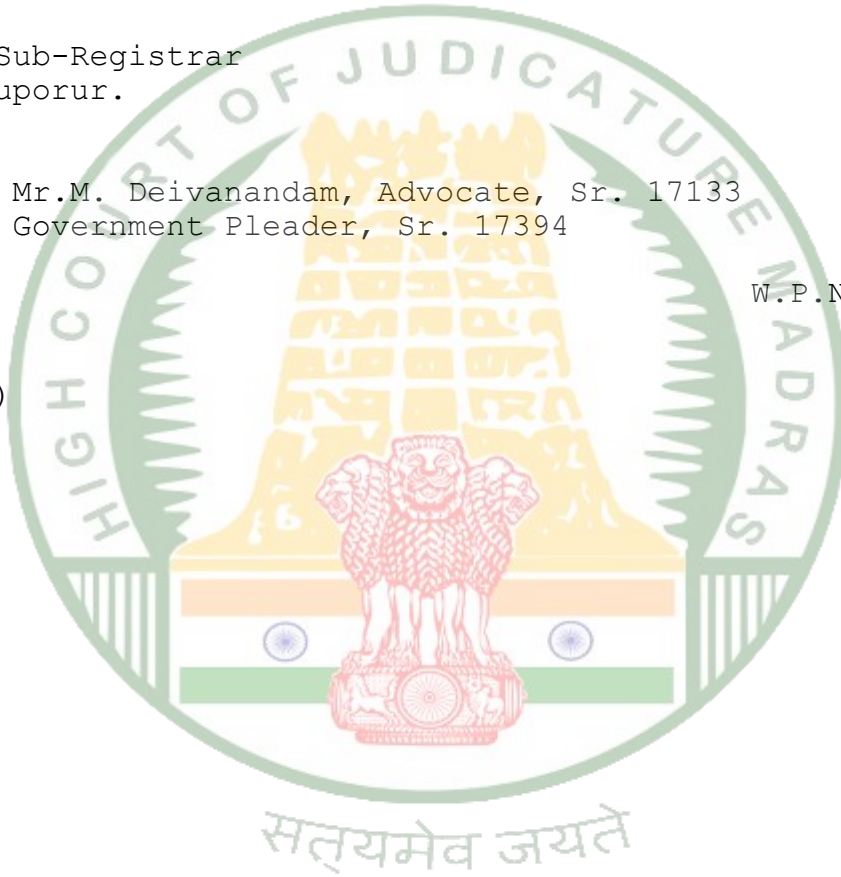
To

1. The Secretary  
Commercial Taxes & Registration Department,  
Secretariat,  
Fort St. .George, Chennai.
2. The Inspector General of Registration  
No.100, Santhome High Road,  
Chennai - 600 028.
3. The Sub-Registrar  
Tiruporur.

1 cc to Mr.M. Deivanandam, Advocate, Sr. 17133  
1 cc to Government Pleader, Sr. 17394

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KGK (CO)  
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