

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10847 of 2014
& MP No.1 of 2014

Senthilnathan

Rep. by his power of attorney agent

S.Josephine

.. Petitioner

Vs.

1. The Union of India,
Rep. by the Secretary to Government,
Registration Department,
Government of Union Territory of Puducherry,
Puducherry.
 2. The District Collector-cum-Additional Secretary (Revenue),
Kamarajar Salai,
Government of Union Territory of Puducherry,
Puducherry.
 3. The Sub Registrar,
Oulgaret Registration Department,
Puducherry.
 4. The Deputy Collector, Revenue (North)
Saram,
Government of Union Territory of Puducherry,
Puducherry.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 4th respondent relating to the impugned order dated 10.09.2013 bearing ref.No.7008/DC(R)N/REV/C2/GLR/2013 and quash the same and consequently direct the respondents to issue GLR value and accept the Sale Deeds or such other documents for registration as may be presented by the petitioner in respect of his land in R.S.No.228/5, No.35, Oulgaret Revenue Village.

For Petitioner : MR.Kamala Kumar

For Respondents: Mr.J.Kumaran,

Government Advocate (Puducherry)

ORDER

The petitioner has come forward with this petition, calling for the records on the file of the 4th respondent relating to the impugned order dated 10.09.2013 bearing ref.No.7008/DC(R) N/REV/C2/GLR/2013 and quash the same and consequently direct the respondents to issue GLR value and accept the Sale Deeds or such other documents for registration as may be presented by the petitioner in respect of his land in R.S.No.228/5, No.35, Oulgaret Revenue Village.

2. When the matter is taken up for hearing, it is represented that the issue involved in this writ petition is covered by a decision of this Court in W.P.Nos.12330 of 2007 & 36622 of 2006. However, it is represented that after the order passed by this Court, earlier the surplus land / retention portion of land was allowed to be transacted, however there were some manipulations.

3. According to the respondents, the entire land covered under the land acquisition proceedings and the retention portion may not be allowed to be transacted, otherwise respondents may not be in a position to have the retention portion of the land for the purpose of development.

4. It is represented by the learned counsel for the petitioner that as and when the retention portion / surplus land is required, it is open to the respondents to take the same and that if any sale deed / document is executed, such condition should be incorporated as per the order of this Court in W.P.Nos.12330 of 2007 & 36622 of 2006, which would enable the Government to have the retention portion, however, the same will be subject to the proceedings that may be concluded finally.

5. Recording the above submission of the learned counsel for the petitioner, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. This Court makes it clear that this order will bind the subsequent buyers of the land, even if there is inadvertence of this Court's order in the deed.

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government,
Union of India,
Registration Department,
Government of Union Territory of Puducherry,
Puducherry.
2. The District Collector-cum-Additional Secretary (Revenue),
Kamarajar Salai,
Government of Union Territory of Puducherry,
Puducherry.
3. The Sub Registrar,
Oulgaret Registration Department,
Puducherry.
4. The Deputy Collector, Revenue (North)
Saram,
Government of Union Territory of Puducherry,
Puducherry.

+1cc to the Government Pleader (Pondy), S.R.No. 78848

+1cc to Mr.R.SARAVANAN, Advocate, S.R.No. 78024

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& MP No.1 of 2014

MSM (CO)
TR(22/11/2017)



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