

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10103 of 2004
and
W.P.M.P.No.11783 of 2004

Ranjithammal

.. Petitioner

Vs.

1. State of Tamil Nadu, rep. by
Secretary to Government,
Commercial Taxes and Religious
Endowments Department,
Secretariat, Chennai-600 009.

2. The District Collector,
Tuticorin District,
Tuticorin.

3. The Sub-Registrar (Joint-I),
Tuticorin District,
Tuticorin.

4. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-600 028.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records comprised in the proceedings of the second respondent in Ne.Mu.Ka.No.7295/2003, dated 27.11.2003 and quash the same as illegal, unconstitutional and consequently issue a Mandamus to the third respondent to register the sale deeds presented to him by the petitioner in respect of the properties situated in Survey No.124/1A1 situate at Sankaraperi Village, Tuticorin Taluk, Tuticorin District in terms of the clarification issued by the fourth respondent in his Circular No.12362/C1/2003, dated 09.09.2003.

For Petitioner : Mr.M.Siva Varthanan
for Mr.D.Srinivasaragavan

For Respondents: Mr.Akhil Akbar Ali, Govt. Advocate

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records comprised in the proceedings of the second respondent in Ne.Mu.Ka.No.7295/2003, dated 27.11.2003 and quash the same as illegal, unconstitutional and consequently issue a Mandamus to the third respondent to register the sale deeds presented to him by the petitioner in respect of the properties situated in Survey No.124/1A1 situate at Sankaraperi Village, Tuticorin Taluk, Tuticorin District in terms of the clarification issued by the fourth respondent in his Circular No.12362/C1/2003, dated 09.09.2003.

2. Pending Writ Petition, the petitioners all along had the benefit of interim order of stay of the said Circular/proceedings dated 27.11.2003. The said Circular stipulates that to register a document, sanction from the Director of Town and Country Planning is essential. Further, the land(s) in question cannot be sold after 20.10.2016, in view of the express provision brought in by insertion of Section 22-A of the Registration Act, which was inserted by Tamil Nadu Act 2 of 2009, which came into force on 20.10.2016. Therefore, if the petitioner has already sold the land(s) in question prior to 20.10.2016, then the same cannot be interfered with by this Court. But, if the petitioner has not parted with the land(s) in question, the petitioner is not entitled to the relief sought for by her in this Writ Petition, in view of the above said Section 22-A of the Registration Act. The Writ Petition is accordingly closed. The interim stay granted in W.P.M.P.No.11783 of 2004 is vacated and the said W.P.M.P. is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CCC)

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Sub Assistant Registrar

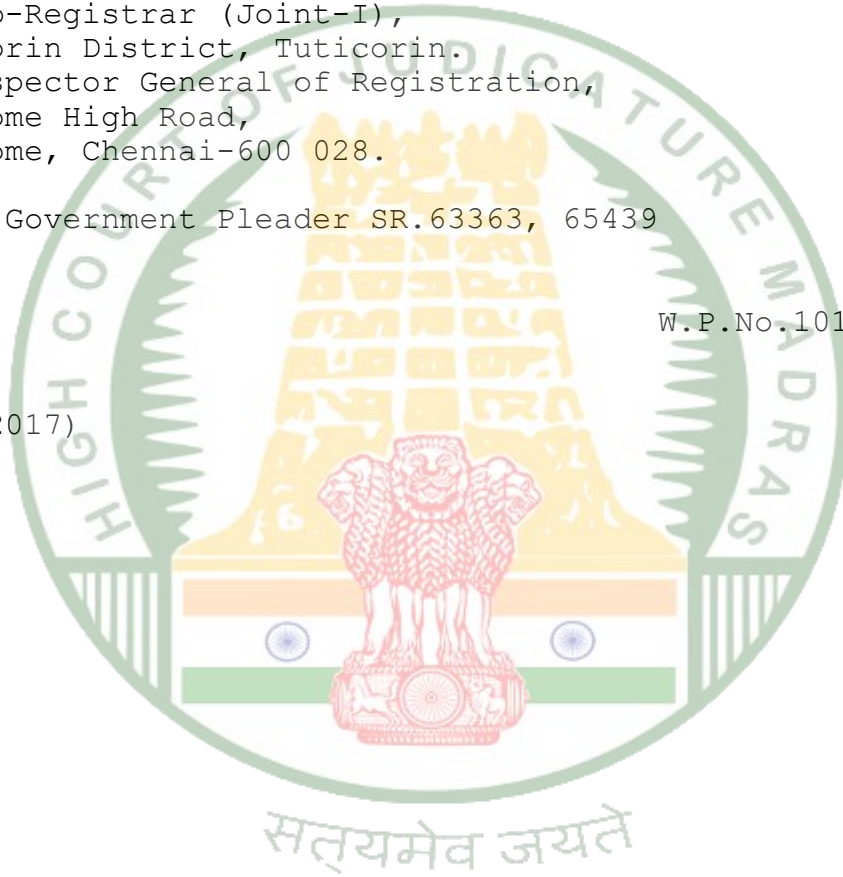
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To

1. The Secretary to Government,
Commercial Taxes and Religious
Endowments Department,
Secretariat, Chennai-600 009.
 2. The District Collector,
Tuticorin District,
Tuticorin.
 3. The Sub-Registrar (Joint-I),
Tuticorin District, Tuticorin.
 4. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-600 028.
- + 1 cc to Government Pleader SR.63363, 65439

W.P.No.10103 of 2004

SSI (CO)
EU (06/10/2017)



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