

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2017

Coram

The Hon'ble Mr. Justice D. Krishnakumar

W.P.No.32542 of 2013

B. Rukmani

...Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.
2. The Sub Registrar,
SRO, Ambattur,
Municipal Community Hall,
Gopalsamy Street,
Ram Nagar, Chennai - 600 053.

.... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, to direct the second respondent to accept the sale deed, presented by the petitioner, pertaining to the land, for an extent of 1802 sq.ft., out of acre 0.50 cents in S.No.300/4 of 58, Thirumullaivoyal Village, Saidapet Taluk, Chengalpet District, Ambattur SRO, within the registration District of North Chennai and Sub-Registration District of Ambattur and to register the sale deed, without insisting upon no objection certificate from any authority, within the period, as stipulated by this Court.

For Petitioner

:Mr.Nathan for

M/s.Nathan Associates

For Respondents

:Mr.S.Navaneetham

Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner, praying for issuance of a writ of mandamus to direct the second respondent to accept the sale deed, presented by the petitioner, in respect of the land, measuring an extent of 1802 sq.ft., out of acre 0.50 cents in S.No.300/4 of 58, Thirumullaivoyal

Village, Saidapet Taluk, Chengalpet District, Ambattur SRO, within the registration District of North Chennai and Sub-Registration District of Ambattur and to register the sale deed, without insisting upon no objection certificate from any authority, within the period, as stipulated by this Court.

2. The case of the petitioner, as stated in the affidavit, filed in support of this Writ Petition in short is that, she purchased a vacant land, as described above, for a total consideration of Rs.700/-and got registered the the sale deed, vide Document No.1883 of 1983. From the date of registration, she became the absolute owner of the land. Thereafter, the petitioner has entered into a sale agreement with one Mr.V.K.Venkatesan, and when he present a rough draft of the sale deed for registration before the second respondent, the second respondent has refused to register the same and based on the order passed by the Government, vide G.O.Ms.No.150 of Commercial Taxes (J2) Department, dated 22.09.2000, sought for no objection certificate from the Revenue Authorities on the ground that, several unapproved layouts were present in the area, in which, the property is situated and several houses were constructed on the said unapproved layouts that ensued the conversion of the entire place/extent/area into residential area. According to the petitioner, the second respondent has no power of authority to insist upon No Objection Certificate based on the aforesaid Government Order, as the said Government Order has been quashed by this Court in the case of (Captain Dr.R.Bellie and another Vs. The Sub Registrar Case) reported in (CDJ 2007 MHC 1615).

3. The second respondent has filed a counter affidavit, inter alia, stating that the subject matter of the land has been acquired by the Government under the provisions of Land Acquisition Act. Therefore, unless, No Objection Certificate (NOC) is obtained from the Revenue Department, the plot in question, which has been acquired under the Land Acquisition Act cannot be registered by the second respondent. The respondents cannot register the sale deed as requested by the petitioner. It is further stated that the second respondent will consider the petitioner's request, if the petitioner produces NOC from the Revenue Department.

4. Heard both sides.

5. It is an undisputed fact that the request made by the petitioner for registration of the sale deed was not considered by the second respondent on account of the fact that the land in question was acquired by the Government, unless NOC is obtained from the competent authority, the sale deed,

covering the property in S.No.300/4b cannot be registered. Therefore, based on the aforesaid ground only, the petitioner's request to register the sale deed has been rejected by the second respondent. I do not find any illegality or perversity in the impugned order.

6. In the result, the Writ Petition is dismissed as being devoid of merits. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sd
To

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.
2. The Sub Registrar,
SRO, Ambattur,
Municipal Community Hall,
Gopalsamy Street,
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+1cc to the Government Pleader Sr.2245

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br[co]
srg 10/04/2017

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