

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

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The Honourable Mr.HULUVADI G.RAMESH,
ACTING CHIEF JUSTICE
and
The Honourable Mr.Justice RMT.TEEKAA RAMAN

W.A.NO.820 OF 2016
C.M.A.No.10701 of 2016

- 1 THE INSPECTOR GENERAL OF
REGISTRATION 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-I SUB REGISTRAR
ARAKONAM VELLORE DISTRICT. ... APPELLANTS
- VersUS
- 1 J.VIJAYALAKSHMI
2 THE TAHSILDAR,
ARAKONAM
VELLORE DISTRICT
- 3 THE REVENUE DIVISIONAL OFFICER
RANIPETTAI, VELLORE DISTRICT ... RESPONDENTS
(R2 & R3 Impleaded as a party
respondent vider order dated 29/08/2016
made in CMP.No.13878/2016)

Writ Appeal filed under clause 15 of the Letters Patent against the order dated 12/02/2016 made in WP.No.39213/2015 on the file of this Hon'ble Court.

Writ Petition was presented to this court under Article 226 of the Constitution of India Directing the 4th 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 P.22/2015 dated 27.05.2015 and deliver the same to petitioner permit to alienate the remaining plots to the

intending purchasers and get the sale deed registered.

For Appellants : Mr.A.Srijayanthi, Spl.G.P.
For Respondent : Mr.S.Doraisamy, for R1

JUDGMENT

(Judgment of the Court was made by
THE ACTING CHIEF JUSTICE)

This Writ Appeal arises out of the order dated 12.02.2016 passed by the learned single Judge in W.P.No.39213 of 2015, in and by which, the learned Judge directed the fourth appellant herein to register and release the sale deeds which were presented by the writ petitioner for registration.

2. Heard the learned Special Government Pleader appearing for the appellants and the learned counsel for R1.

3. According to the appellants herein, the subject lands were allotted to the members of the Scheduled Caste Community, subject to certain conditions that the beneficiary shall not sell the land or lease or give as gift or pledge for the first ten years and after expiry of ten year period, the lands can be transferred, but only to the persons belonging to the depressed class and if the land is alienated in breach of the conditions, to any person who is not a member of scheduled caste, the grant would be liable to be resumed by the Government and such alienation would be void ab initio. It is stated that the writ petitioner had purchased the subject lands from his erstwhile vendors, who were not supposed to alienate the same even before expiry of ten year period and since such sale is against public policy, the writ petitioner cannot get the sale deeds registered and as such, the learned Judge without considering these aspects, has directed the Sub Registrar to register the sale deeds and release the same, which in our view, cannot be sustained. It is for the purchaser to verify all the relevant factors regarding the subject property before entering into the sale transaction and if need be, he can get the information through RTI Act. Though the learned counsel submitted that the writ petitioner got the patta in respect of the subject lands, it is always subject to verification and it cannot be construed that the sale transaction is a valid one. If at all the writ petitioner has got the title, it is for him to establish the same by approaching the Civil Court.

4. For the foregoing reasons, we are of the view that the order of the learned Judge cannot be sustained and it is liable to be set aside.

Accordingly, the Writ Appeal is allowed and the order of the learned Judge dated 12.2.2016 passed in W.P.No.39213 of 2015 is set aside. No costs. Consequently, connected CMP is closed.

-s/d-
Assistant Registrar(CSV)

True Copy

Sub-Assistant Registrar

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To

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RANIPETTAI, VELLORE DISTRICT

+1 cc to Mr.S.Doraisamy Advocate sr 16940
+1 cc to Government Pleader sr 17044

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