



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**and**  
**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P.(MD) No.9745 of 2014

Anjalam @ Anjalai Ammal

... Petitioner

-vs-

1.The State of Tamil Nadu  
Represented by the  
Revenue Secretary  
Secretariat, Chennai-600 015

2. The Sub-Registrar  
Manapparai Town and Taluk  
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration to declare the provisions of Sections 5 and 15 of the Tamil Nadu Patta Pass Book Act is void and ultra vires of the constitution for the violation of the Article 14 of the Constitution and consequently to direct the second respondent to register the sale deed dated 07.01.2011 in the petitioner's favour executed by Chellammal.

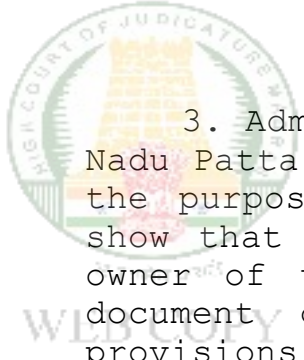
For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.S.Chandrasekar, Govt. Advocate  
O R D E R

[Order of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.N.Balakrishnan, learned counsel appearing for the petitioner and Mr.S.Chandrasekar, learned Government Advocate appearing for the respondents and perused the materials produced.

2. The prayer in the Writ Petition is for issuance of a writ of declaration to declare the provisions of sections 5 and 15 of the Tamil Nadu Patta Pass Book Act as void and ultra vires for the violation of Article 14 of the Constitution of India and to direct the second respondent to register a sale deed, dated 07.01.2011, executed by one Chellammal in favour of the petitioner herein.



3. Admittedly the provisions of Sections 5 and 15 of the Tamil Nadu Patta Pass Book Act can not be declared as ultra vires, since the purpose of the enactment of the said Act, as set out, will show that it is a special enactment and patta is granted to the owner of the property to prove possession, though it is not a document of title. However, on the grounds raised, the provisions of Sections 5 and 15 of the Act can not be declared as ultra vires.

4. In the affidavit filed in support of the writ petition, it is stated that a suit is pending. If that be so, it is open to the petitioner to work out her rights, in accordance with the decision of the Civil Court or it is open to the petitioner to approach the second respondent by way of a fresh representation for registering the document, which shall be considered after notice to all concern, including the parties in the civil suit.

5. The Writ Petition is dismissed with the above observations. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To:

1.The Revenue Secretary,  
Secretariat, Chennai-600 015.

2. The Sub-Registrar,  
Manapparai Town and Taluk,  
Trichy District.

+One cc to Mr.N.Balakrishnan, Advocate, SR.No.17271

skm/krk

RL/4C/2P/MR/SAR3/5.4.2017

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