

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15356 of 2016
and

WMP.Nos.13390 of 2016 & 8856 of 2018

D.Usha @ Unnamalai Ammal Petitioner

-vs-

1.The District Registrar,
Registration Department,
Tiruvannamalai.

2.The Sub-Registrar,
Joint-II,
Sub-Registrar's Office,
Taluk Office Compound,
Anna Salai,
Thiruvannamalai.

3.T.R.C.Venkatesh

4.A.Sathyanarayanan

5.J.Haneef Sahib

6.J.H.Abdul Samadh

7.E.Malick Basha

8.M.Umar Farook

9.A.Mohammed Jaffar Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings passed in SI.No.07/2016 dated 15.04.2016 on the file of the second respondent, quash the same and consequently forbear the second respondent from registering any documents pertaining to the lands in Survey Nos.57/2 and 55/5 and New Survey Nos.80/2, 80/2A, 80/2B, 81/5, 81/5A and 81/5B

situate at Keezhanaikari Village, Tiruvannamalai Taluk and District which is shown as item Nos.17 and 18 in the order dated 01.09.2009 passed in C.M.P.No.372/2009 in A.S.No.109/2004 pending on the file of this Court.

For Petitioner :: Mr.K.Govi Ganesan

For R1 & R2 :: Mrs.A.Srijayanthi
Special Government Pleader

For R3 :: Mr.N.G.P.Rajaram

For R4 to R9 :: Mr.M.Gnana Sekar

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O R D E R

The order passed by the second respondent in proceedings dated 15.04.2016, rejecting the claim of the writ petitioner for non-registration of certain documents pertaining to the lands in Survey Nos.57/2 ad 55/5 and new Survey Nos.80/2 80/2A, 80/2B, 81/5, 81/5A and 81/5B situated at Keezhanaikarai village, Thiruvannamalai Taluk and District which is shown as item Nos.17 and 18 in the order dated 01.09.2009 passed in C.M.P.No.372/2009 in A.S.No.109/2004 pending on the file of this Court is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the title and the ownership was adjudicated before the Competent Civil Court of Law and the matter was settled by way of a Judgment in A.S.No.109 of 2004 dated 22.09.2017. As per the findings of the Civil Court decree and the First Appeal Order, the writ petitioner is the owner of the property in respect of the land which is the subject matter in the writ petition.

3.The learned counsel appearing for the respondents states that the order passed by the Sub-Registrar is under the provisions of the Registration Act and the Sub-Registrar cannot decide or determine the title and the ownership in respect of the properties. However, the apprehension of the petitioner is that the third respondent is taking an attempt to grab the land belonging to the writ petitioner. However, in respect of the registration the Authorities Competent are bound to verify the records and take a decision in this regard.

4.In this view of the matter, the writ petitioner is at liberty to submit all the related documents and the order passed by the Court to the Sub-Registrar concerned and the Sub-Registrar after verification of all the documents and take a

decision in respect of the registration of any documents or otherwise under provisions of the Registration Act.

5. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

1. The District Registrar,
Registration Department,
Tiruvannamalai.

2. The Sub-Registrar,
Joint-II,
Sub-Registrar's Office,
Taluk Office Compound,
Anna Salai,
Thiruvannamalai.

+1cc to Mr.M.Gnansekar, Advocate, sr.no.29627

+1cc to Mr.C.Govi Ganesan, Advocate, sr.no.29778

+1cc to the Government Pleader, sr.no.29996

W.P.No.15356 of 2016
and

सत्यमेव जयते WMP.Nos.13390 of 2016 &
8856 of 2018

GMR (CO)

RRK (24/05/18)

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