

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2018

CORAM:

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.14799 of 2017

N.Sivakumar

... Petitioner

-Vs-

- 1.The Inspector General of Registration
Santhome
Chennai - 600 004.
 - 2.The Sub Registrar
Guduvancherry S.R.O
Guduvancherry
Kancheepuram District - 603 202.
 - 3.The Secretary
Government of Tamil Nadu
Housing and Urban Development
Fort St.George
Chennai - 600 009.
 - 4.The Principal Secretary
Commissioner of Land Administration
Chennai - 600 005.
 - 5.The District Collector
Kancheepuram.
 - 6.The Special Tahsildar
Land Acquisition Outer Ring Road Project
Chennai Metropolitan Development Authority
Koyambedu,
Chennai.
- ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents, in particular the second respondent to remove the check list in respect of land acquisition proceedings of petitioner's agricultural nanjai lands comprised in Survey No.58/1A2 to an extent of 1.81 acres situated at Vandalur Village, Chengalpattu Taluk, Kancheepuram District, to

permit, to allow registration in the above said property based on the representation dated 24.03.2017.

For Petitioners : Mr.M.Saravana Kumar

For Respondents : Mr.Akhil Akbar Ali GA

ORDER

The petitioner has filed this petition seeking a writ of mandamus to direct the Sub Registrar, Guduvancherry, the second respondent herein to consider his representation dated 24.03.2017 for registering his property in the said Office.

2.1. The case of the petitioner is that his land in Survey No.58/1A2 of Vandalur Village was proposed to be acquired for establishing a bus terminus at Vandalur, for which purpose, a notification under Section 4(1) of the Land Acquisition Act, 1894 was issued on 01.03.2014. The said notification was challenged by the petitioner and other land owners in a batch of writ petitions in W.P.No.7779 to 7781 of 2014, and this Court Vide his order dated 14.07.2014, has held that in view of the coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013 dated 01.01.2014) and that the authorities have also informed the Court that the said notification issued under Section 4(1) of the Land Acquisition Act, 1894 was cancelled, in view of the Government Orders in G.O.(Ms) Nos.85 to 87, Housing and Urban Development (UD3(1)) Department, dated 12.05.2014. Thereafter, the entire land acquisition proceedings stood cancelled and the authorities have also identified a bus terminus at Urappakkam instead of Vandalur.

2.2. The petitioner is now keen to execute some documents/instruments pertaining to the same, which as per law were required to be registered by the second respondent. But the same was refused by the second respondent in view of the check-slips issued to him. Even, the Special Tahsildar (L.A), Outer Ring Road Project, Unit-1, C.M.D.A., Koyambedu, Chennai-600 107, the sixth respondent herein has issued a proceedings in R.C.No.1/2013/ST(L.A)/ORR/Unit-1/VMBT dated 03.05.2017 to the petitioner to the effect that the check slips earlier issued to the Sub-Registrar, Guduvancherry has been cancelled, in view of the cancellation of the 4(1) notification issued. But in spite of that, the second respondent is refusing to register the documents pertaining to the property of the petitioner.

3. Mr.Akhil Akbar Ali, learned Government Advocate enters appearance for the respondents.

4. Heard both sides. Inasmuch as the notification issued under Section 4(1) of the Land Acquisition Act, 1894 has already been cancelled and proper proceedings too have been issued by the Special Tahsildar the sixth respondent herein, Vide proceedings in R.C.No.1/2013/ST(L.A)/ORR/Unit-1/VMBT dated 03.05.2017, there is no embargo or restrain on the second respondent to register the documents of the petitioner. Indeed the aforesaid proceedings of the sixth respondent also appears to have been communicated to the second respondent. Hence, the second respondent can no more refuse to perform his statutory duty and he is therefore required to register the documents of the petitioner, if it can be otherwise registered as per law.

5. The second respondent is therefore directed to register any valid document of conveyance executed by the petitioner without the reference to the check-slip issued to him earlier. With the above direction, this petition is allowed. No costs.

Sd/-

Assistant Registrar

/true copy/

Sub Assistant Registrar

ds

To:

1.The Inspector General of Registration
Santhome
Chennai - 600 004.

2.The Sub Registrar
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3.The Secretary
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Land Acquisition Outer Ring Road Project
Chennai Metropolitan Development Authority
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Chennai.

1 cc to Mr.M.Saravana Kumar, Advocate, Sr. 6271
1 cc to Government Pleader, Sr. 7464

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