

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.18883 of 2017

1. V.Govindasamy Nayagar
2. G.Devaki Ammal
3. G.Loganathan ... Petitioners

vs.

1. The State of the Tamil Nadu,
rep. by secretary, Housing and
Urban Development,
Fort St.George,
Chennai - 600 009.
2. The District Revenue officer,
(Land Acquisition)
Outer Ring Road Project
Chennai Metropolitan Development Authority,
Koyambedu,
Chennai - 600 092.
3. The Special Tahsildar,
(Land Acquisition)
Outer Ring Road Project,
Chennai Metropolitan Development Authority,
Koyambedu,
Chennai - 600 092
4. The Sub-Registrar,
Guduvanchery,
Chennai - 603 202. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of forbearing the Sub-Registrar of Guduvancherry, the 4th respondent herein from refusing to entertain and register documents relating to transfers or other dispositions in respect of

(i) the piece of land of extent of 0.72
cents = 028.5 hectare comprised in S.No.49/1A of

Vandalur Village, Chengalpattu taluk, Kancheepuram District owned by the 1st respondent herein.

(ii) the piece of land of the extent of 0.27 cents = 0.08.5 hectare comprised in S.No.16/1A of Vandalur Village, Chengalpattu Taluk, Kancheepuram District owned by the 2nd petitioner herein and

(iii) the piece of land of the extent of 25 cents = 0.10.0 hectare comprised in S.No.47/1B of Vandalur Village, Chengalpattu Taluk, Kancheepuram District owned by the 3rd respondent herein.

For Petitioner : Mr.M.H.Hameed Mohideen

For Respondents : Mr.D.Suriyanarayanan,
Additional Government Pleader for R1 to R4

O R D E R

The petitioner seeks for a mandamus forbearing the Sub-Registrar of Guduvancherry, the 4th respondent herein, from refusing to entertain and register the documents relating to transfers or other dispositions in respect of the properties referred to in the writ petition.

2. The case of the petitioner is that in respect of the subject matter properties, though land acquisition proceedings were initiated earlier, they were subsequently cancelled and therefore, there cannot be any impediment for the 4th respondent to register any document presented by the petitioners in respect of the subject matter properties. However, the petitioners apprehend that the 4th respondent will refuse to register the documents by citing the earlier land acquisition proceedings. Therefore, they filed the present writ petition and seek for a direction to the 4th respondent not to refuse to entertain the documents and register the documents filed by the petitioners, relating to the subject matter properties.

3. In a counter affidavit filed by the 4th respondent, it is stated that even though the notification issued for acquisition of land under the Old and Repealed Act was withdrawn, the 4th respondent is unaware whether a fresh notification was issued later under the new enactment. Therefore, it is stated by the 4th respondent that he has sent communication to the Special Tahsildar, Land Acquisition, namely, the 3rd respondent on 20.11.2017 seeking information as to whether any fresh notification is issued for acquisition of the subject matter lands. Therefore, the 4th respondent has specifically stated that

action will be taken either to register or refuse to register the documents after receipt of the reply from the above said authority namely, the 3rd respondent.

4. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents.

5. First of all, the prayer sought in this writ petition is general and a blank prayer there being without any specific details of the documents sought to be registered by the petitioners. Secondly, it is to be noted that only when the petitioners present any documents for registration, the 4th respondent will be in a position to inform the petitioners as to whether those documents presented by them could be registered or returned for some reasons. Admittedly, no such event has taken place so far. Thus, it is evident that the present writ petition filed based on mere apprehension. Therefore, it is for the petitioners to present the document before the 4th respondent and thereafter, if an occasion arises for the petitioners to seek redressal of their grievance, they can very well approach this Court, accordingly. Thus, I find the present writ petition is a premature one. Consequently, the writ petition is closed by granting liberty to the petitioners to approach this Court in future as and when such necessity arises. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

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Chennai - 600 092

4. The Sub-Registrar,
Guduvanchery,
Chennai - 603 202.

+1cc to Mr.S.M.Hamed Mohideen, Advocate, S.R.No.9450

+1cc to the Government Pleader, S.R.No.9781

W.P.No.18883 of 2017

RRK(16/02/2018)



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