

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.15325 of 2018

U.Mahendran

...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 Thasildar,
Land Acquisition Outer Ring Road Project,
Chennai Metropolitan Development Authority,
Koyambedu, Chennai 600 092.
- ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents in particular the 2nd respondent to remove the check list in respect of agricultural nanja land comprised in Survey No.60/2 to an extent of acre 0.60 cents or hectare 0.24.0 ares situated at No.2, Vandalur Village, Chengalpattu Taluk, Kancheepuram District and permit the petitioner to allow registration in the above said property based on the representation dated 01.06.2018.

For Petitioners : M/s.M.Saravana Kumar

For Respondents : Mr.P.P.Purushothaman, G.A., for R1 & R2
Mr.D.Raja, AGP, for R3 to R6

ORDER

Mr.P.P.Purushothaman, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.D.Raja, learned Additional Government Pleader takes notice for the respondents 3 to 6. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2. The petitioner has filed this petition for issuance of a Writ of Mandamus to direct the 2nd respondent to remove the check list in respect of agricultural nanja land comprised in Survey No.60/2 situated in Vandalur Village and register the said property based on his representation dated 01.06.2018.

3. The case of the petitioner is that he became the absolute owner of the property measuring an extent of 60 cents, in Survey No.60/2 at Vandalur Village, by virtue of a registered sale deed, dated 08.09.2005, registered as document No.7061 of 2005.

4. The petitioner further states that the third respondent issued a notification under Section 4 (1) of the Land Acquisition Act on 01.03.2014 and acquired the land of the petitioner and others. The adjacent land owners filed a writ petition in W.P.No.7779 of 2014, challenging the acquisition proceedings, wherein, the respondents had admitted that the acquisition proceedings were cancelled by issuing G.O.(Ms). Nos.85 to 87, Housing and Urban Development (UD3(1)) Department, dated 12.05.2014. Even then, the owners could not sell the property, hence one Mr.Panneerselvam filed another writ petition in W.P.No.31728 of 2015, challenging the order of refusal of the Sub Registrar, Guduvancherry for registering the documents. The order was set aside by this Court on 29.10.2015.

5. The learned counsel for the petitioner submitted that this Court in W.P.No.14799 of 2017, directed the second respondent to register the document of the adjacent land owner of the petitioner, viz., N.Sivakumar. The learned counsel submitted that the order passed in the earlier writ petitions would squarely apply to the case of the petitioner herein.

6. It is not in dispute that the acquisition proceedings initiated by the third respondent were subsequently withdrawn by issuing a fresh notification. However, in the meanwhile, based on the earlier notification issued in the year 2013, entry has been made in the records of the second respondent and on the basis of the entry, the second respondent refused to register the document.

7. In the light of the above facts, the second respondent is directed to register any valid document of conveyance executed by the petitioner in respect of the land referred above without reference to the check slip issued to him earlier.

8. With the above direction, the writ petition is allowed.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pvs
To

1. The Inspector General of Registration,
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Land Acquisition Outer Ring Road Project,
Chennai Metropolitan Development Authority,
Koyambedu, Chennai 600 092.

+1cc to Mr.M.Saravanakumar, Advocate Sr.No.39758
+1cc to Government Pleader SR.No.40994, 40926

MR(CO)
sm:10.7.2018

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