

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2019

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5047 of 2016

A.Rickapchand Jain

... Petitioner

--Vs--

1. The Inspector General of Registration,
Santhome, Chennai 600 004.
 2. The District Registrar,
South Chennai,
Chennai 600 001.
 3. The Sub Registrar,
Avadi, Chennai 600 054
- ... Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the third respondent vide Na.Ka.No.485/2012, culminating in his order dated 02.07.2012 quash the same and direct the third respondent to register the Sale Deed dated 12.12.2011 executed by V.Gopalakrishnan, S/o.N.Velayutham, in favour of the petitioner in respect of the property, comprised in S.No.494/2B7 and 494/3A5, No.5, Morai Village, Ambattur Taluk, Thiruvallur District within the Sub Registration District of Avadi and Registration District of South Chennai, measuring an extent of 23 cents (10.250 sq.ft) in furtherance of the receipt of registration charges and stamp duty as per receipts, dated 12.12.2011 bearing Nos.201116745 and 28326 (Doc.No.201113233, Book No.1) and return the original document to the petitioner.

For Petitioner : Mr.N.Rajan
For Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The Writ Petition is filed challenging the order dated 02.07.2012 refusing to register the Sale Deed dated 12.12.2011.

2. The matter relates to Survey Nos.494/2B7 and 494/3A5

situated in Morai Village. The refusal to register the Sale Deed is based on two circulars viz., (i) Letter in C.No.26/IGP Crime/CBCID/2010 dated 23.04.2010 issued by the IGP (Crime) Guindy and (ii) letter No.50362/R3/10 dated 30.08.2010 issued by the Inspector General of Registration. These two circulars were already put to challenge in W.P.Nos.5154 and 5893 of 2011 and W.P.No.22985 of 2010 respectively and the said Writ Petitions were dismissed upholding the circulars.

3. Later, this Court had an occasion to deal with a similar matter in W.P.No.12597 of 2016, which was also dismissed on 12.03.2019, wherein, in paragraphs 17 and 18, it has been held as follows:-

"17. The village Morai comes under the Red Hills Catchment Area, as per the Second Master Plan for Chennai Metropolitan Area 2026 Volume II Development Regulations. DR No.24 of the said Regulations speaks of the Ecologically sensitive areas. While DR 24(2) (a) discusses about CRZ Area, 24(2)(b) defines Aquifer Recharge Area, as per which, "the areas, which have good aquifers and recharge potential have been declared as aquifer recharge area. Description of the aquifer recharge area and the regulation for developments therein are given in Annexure XI (refer Map No.MP-II/CMDA.10/2008)". DR 24 (2)(c) speaks about "Catchment Area". It is stated that "Redhills and Puzhal lakes are the main sources of water supply to the Chennai city. In order to protect this water source from the negative impacts of the urban developments contiguous areas in the catchments of these lakes has been declared as "Redhills Catchments area". The description of the catchments area and regulations for development therein is given in the Annexure XII (refer Map No.MP-II/CMDA.11/2008)". As per Annexure XII - Regulations for Redhills Catchment Area is drawn in the interest of maintaining the Redhills and Puzhal lakes catchments area free from possible contamination and to realise the full benefits of surface run off during precipitation. Accordingly, the area in the catchment of these lakes, which serve as the major source for city water supply, has been declared as Redhills catchment area and is restricted for development.

18. In the above referred Map No.MP11/CMA-11/2008, Morai Village has been enlisted as No.5. As per the said Master Plan excepting the existing industries of national importance, no lands shall be re-classified into any urban use zone. From the verification and comparison of the survey numbers of Morai village mentioned in the impugned order and the map, it is clear that those survey numbers are included in the area declared as Red Hills Catchment Area. Once such classification made in the Master Plan, the same cannot be re-classified into any other zone."

4. As already the two circulars were put to challenge in Writ Petitions, which were dismissed, the petitioner cannot re-agitate the same issue before this Court. Besides, the impugned order is dated 02.07.2012, whereas, the Writ Petition is filed after four years (i.e) only on 05.02.2016 and there was no convincing reason for the delay and laches on the part of the petitioner. Despite having knowledge about the entire proceedings, the Writ Petition has been filed by the petitioner, which is only an abuse of process of law wasting the Court's time. Hence, there is no merit in the Writ Petition.

5. Accordingly, the Writ Petition is dismissed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

srn

To

1. The Inspector General of Registration,
Santhome, Chennai 600 004.
2. The District Registrar,
South Chennai,
Chennai 600 001.

3. The Sub Registrar,
Avadi, Chennai 600 054

+1 CC to Mr.N.Rajan, Advocate sr 35361.
+1 CC to Govt. Pleader sr 36340.

W.P.No.5047 of 2016

GJ(CO)
SP(27/05/2019)



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