

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
Writ Petition No.26250 of 2019

K.Sivakumar .. Petitioner
/versus/

- 1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram, Chennai-600 028.
 - 2.The District Registrar (Admn)
Registration Department,
Villupuram, NH-45A,
Villupuram, Puducherry Road, Villupuram 605 602.
 - 3.The Sub Registrar,
Deviandal Sub Registrar Office,
Hospital Road, Thirukoilur-605 757.
 - 4.The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai-600 034.
 - 5.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Villupuram-605 602.
 - 6.The District Collector,
(Revenue Department),
Villupuram-605 602.
- .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 03.08.2019 sent to all the respondents for necessary action and direct the respondents 1 to 3 to rectify their records and correctly mention the classification of land as agricultural land & fix Guideline Value in respect of land comprised in Survey Nos.79/2, 78/3A. 78/4 & 78/5 situated at Deveandal Village, Thirukoilur Taluk, Cuddalore Zone, Villupuram District.

For petitioner : Mr.S.Sathish
For Respondents : Mr.M.Thamizharasan
GA for R1 to R3

Mr.M.Maharaja, SGP for R4 & R5
Mr.N.Inbanathan, AGP for R6

O R D E R

Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents 1 to 3, learned Special Government Pleader for the respondents 4 & 5 and the learned Additional Government Pleader for the 6th respondent.

2. The contention of the petitioner is that the property in Survey Nos.79/2, 78/3A, 78/4 & 78/5 situated at Deveandal Village, Thirukoilur Taluk, Cuddalore Zone, Villupuram District was purchased by the petitioner vide sale deed dated 29.08.1992 and 05.09.1994. Patta has been issued for the said property in the name of the petitioner and his family members. The computer patta No.47 issued in the name of the petitioner and his family members is annexed in the typed set of papers along with the manual patta.

3. The grievance of the petitioner herein is that when the family members decided to effect partition of the property, they want to get guideline value of the property. Hence, the petitioner requested the District Collector and District Registrar of the Registration Department to furnish the guideline value. In response to his representation, the District Registrar has informed that the land in Survey Nos.78/3A, 78/4 and 78/5 are classified as Hindu Temple Land as per the Guideline Register. The petitioner herein has again made a representation to the respondent to rectify the error crept in the Guideline Register, which is contrary to the revenue records and classify the land as per the revenue records fixing the guideline value. Since the respondent has not acted upon the representation of the petitioner, the present writ petition is filed.

4. After notice, the learned Additional Government Pleader appearing for the 6th respondent submits that when the Valuation Committee constituted by the Government prepared the guideline value in the year 2012 found that the property in Survey No.78/3A, 78/4 and 78/5 fall under the category of Government "Hindu Temple Land". Hence, they have not fixed any guideline value. If the petitioner wants to change the entry in the Guideline Register, they should get NOC from the HR & CE department.

5. The above stand of Registration department is erroneous and improper. When the request of the land owner has been made regarding erroneous entry in the Guideline Register, which is not in consonance with the revenue records, it is the duty to verify the revenue records of the concerned land and

ascertain whether there is any error crept in by inadvertence, and if it so, it has to be rectified and returned to the land owner. Without doing that exercise, the Sub Registrar has forced the land owner to get NOC from the HR & CE department. Hence the 6th respondent-the District Collector is hereby directed to consider the representation of the petitioner dated 03.08.2019 regarding the classification of the petitioner's land in the Guideline Register and take appropriate steps to rectify the error, if any and inform the 1st respondent-Inspector General of Registration to effect proper entry in the revenue register in respect of Survey No.78/3A, 78/4 & 78/5. The said exercise should be completed within a period of eight weeks from the date of receipt of copy of this order.

6. With the above observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram, Chennai-600 028.
 - 2.The District Registrar (Admn)
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Villupuram-605 602.
 - 6.The District Collector,
(Revenue Department),
Villupuram-605 602.
- +1cc to Mr.P.Sivagaminathan , Advocate SR.No. 94887
+1 cc to Government Pleader Sr.No. 95582

W.P.No.26250 of 2019