

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.26240 of 2018

A.Sridevi

.. Petitioner

Vs

1.The Sub Registrar,
Adyar, Chennai - 20.

2.The District Registrar,
Administration, Chennai South,
Saidapet Market Street,
Chennai - 15.

3.The Assistant Commissioner
(Urban Land Tax),
Mylapore, Ezhilagam, Chepauk,
Chennai - 5.

4.Vasantha Arjunana

5.A.Dhanalakshmi

6.A.Jothi Ramalingam

7.A.Prabhakaran

8.A.Deepa

9.A.Lokeshwari

10.Alamelu

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the first respondent in his proceedings Check slip No.1/2018, dated 22.06.2018, quash the same and consequently direct the first respondent to admit and register the Sale Deed dated 21.04.2018 presented by the petitioner.

For Petitioner : Mr.P.L.NARAYANAN

For R1&2 : MR.T.M.PAPPIAH, Special Government Pleader

For R3 : Mr.K.RAVI KUMAR AGP.

FOR R4 TO R10 : Noappearance.

ORDER

The writ petition is directed against the impugned proceedings dated 22.06.2018 passed by the first respondent /the Sub Registrar, Adyar, Chennai, refusing to register the sale deed dated 21.04.2018 presented by the petitioner.

2. It is submitted by the learned counsel for the petitioner that the petitioner, intending to purchase a property situated at T.S.No.154, Block No.16, Erikarai Street, Kottur Village, Guindy Taluk, Chennai, to an extent of 6000 sq.ft., from one Vasantha, Arjunan and 6 others, has presented the documents before the Sub-Registrar, Adayar, Chennai, for Registration on 22.06.2018, however, the said Sub-Registrar refused to register the same and thereby issued impugned check slip citing a reason that the property in question still remains as excess land in their revenue records under 1978 Act acquired by the Government. The refusal to register the same was also immediately intimated to the vendor, who, in turn, informed the petitioner that the Urban Land Ceiling proceedings initiated against them were quashed by this Court in W.P.No.12732 of 2013, dated 10.09.2003, holding that after the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, was repealed by Act 20 of 1999 even as early as on 16.06.1999, the Tribunal ought not to have passed the order dated 13.12.2000. As against this order, when an appeal was filed before the Hon'ble Apex Court, the same was also dismissed vide SLP.No.11854 of 2009, dated 10.09.2009. Therefore, he pleaded, by virtue of the order passed by this Court as well as by the Hon'ble Apex Court, the Sub-Registrar cannot refuse to register the documents presented by the petitioner, hence, a direction may be given to the first respondent to register the documents presented by the petitioner on payment of requisite stamp duty.

3. Learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Additional Government Pleader appearing for the third respondent have filed their respective counter affidavit. The Counter affidavit filed by them does not deal with the vital plea raised by the petitioner as stated above.

4. The only ground on which the documents presented by the petitioner was rejected stating that the property in question still remains as excess land under the 1978 Act in the revenue records. It is the claim of the petitioner that the order passed by the learned Tribunal in TRP.No.136/99, dated 13.12.2000 was quashed by this Court in its order dated 10.09.2009 passed in Writ Petition No.12732 of 2003 holding that after the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, was repealed by Act 20 of 1999 even as early as on 16.06.1999, the Tribunal ought not to have passed the order. For better appreciation, relevant portion of the order is extracted below:-

4.As the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, was repealed by Act 20 of 1999 even as early as on 16.06.1999, we do not know as to how the

Tribunal passed the impugned order on 13.12.2000 as against which the present writ petition has been filed.

5. Section 4 of the Act 20 of 1999 reads as follows:-

All proceedings relating to any order made or purported to be made under the Principal Act pending immediately before the commencement of this Act, before any Court, Tribunal or any authority shall abate.

6. In view of the aforesaid decision of the Supreme Court and Section 4 of the Repeal Act 20 of 1999, all proceedings under the Act must be held to have been abated. Therefore, we are not inclined to go into the merits of the case.

As against the above said order, when SLP was preferred, the same was also dismissed by the Hon'ble Apex Court vide order dated 12.09.2014 passed in SLP.No.1184 of 2014 holding that there is nothing on record to show that notice under Section 11 (5) of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, was served upon the respondent/original vendor and taken possession of the land involved in these proceedings from the respondent/original vendor.

5. Thus, as the reason cited in impugned check slip has already been answered by this Court as well as by the Hon'ble Apex Court, this Court finds no impediment to come to a conclusion that the land in question is free from the Urban Land Ceiling Proceedings. Therefore, the first respondent is directed to register the Sale Deed dated 21.04.2018 presented by the petitioner on payment of requisite stamp duty as expeditiously as possible.

6. In fine, for the reasons stated above, the writ petition is disposed of. No Costs. WMP.No.30486 of 2018 is closed.

सत्यमेव जयते

Sd/-

Asst. Registrar

//True Copy//

Sub Asst. Registrar

To

1.The Sub Registrar,
Adyar, Chennai - 20.

2.The District Registrar,
Administration, Chennai South,
Saidapet Market Street,
Chennai - 15.

3.The Assistant Commissioner
(Urban Land Tax),
Mylapore, Ezhilagam, Chepauk,
Chennai - 5.

+1 CC to Mr.N.BEULAH JOHN SELVARAJ, Advocate SR.NO.42634
+2 CC to GOVERNMENT PLEADER SR.NO.43225,42150
+1 CC to Mr. P.L.NARAYANAN Advocate SR.NO.42138

W.P.No.26240 of 2018

CO (SVI)
VC (10/06/2019)



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