



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 08.04.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18372 of 2015

K.K.B.Sarbudeen

... Petitioner

Vs

1.The District Collector,
Pudukkottai.2.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.3.The Sub Registrar,
Keeranur,
Pudukkottai District.4.The Deputy Inspector General of Registration,
Trichirappalli District,
Tirchirappalli.

... Respondents

(R4 is suo motu impleaded vide Court
order dated 08.04.2019)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to release the document dated 19.07.2013 executed by Jeyalakshmi in favour of the petitioner which is registered as pending document number P201300067 at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents 1&2 :Mr.M.Rajarajan,
Government AdvocateFor Respondents : Mr.M.Murugan
Government Advocate**ORDER**

The Deputy Inspector General of Registration, Trichirappalli District, Tirchirappalli, is suo motu impleaded as the fourth respondent.

2.Mr.M.Murugan, learned Government Advocate takes notice for the impleading fourth respondent.



3.The petitioner had purchased 2400 Square Feet of land in S.F.No.194 of Keeranur Village from one Subbiah. The purchase was by way of two documents. One document covering 1200 Square Feet was registered and released. However, the other document in respect of balance land though received by the third respondent for registration was kept as pending document. Seeking registration and release of the document, this writ petition came to be filed.

4.When the matter was taken up for hearing, the learned Government Advocate appearing for the respondents pointed out that the site in respect of the petition mentioned documents has been classified as Government Poramboke land and that its guideline value has been fixed as Rupees Zero. Therefore, the third respondent is unable to release the document in question.

5.The petitioner's counsel pointed that it is not as if the transaction is taking place in respect of the said land for the first time. In the typed set of papers quite a few sale deeds in respect of the very same documents have been enclosed. It is seen that reclassification of the land as the Government Poramboke was made with effect from 01.04.2012. Since the guideline value is shown as Rupees Zero, the respondents are unable to register and release the petition mentioned document.

6.I am able to appreciate the legal impediments faced by the third respondent. But then, this Court cannot lose its sight of the fact that in respect of the very same site transactions had taken place earlier. The petitioner cannot be made to suffer by the sudden reclassification of the land as Government Poramboke.

7.The impleaded fourth respondent is directed to constitute the District Valuation Committee as per G.O.Ms.No.75, Commercial Taxes and Registration (J1) Department, dated 01.06.2010. The said Committee shall fix the guideline value for S.F.No.194 of Keernaur Village. This is only for the purpose of registration and release of the document in question. The constitution of the committee shall be done within a period three weeks from the date of receipt of a copy of this order and that the said Committee shall fix the valuation for the land in S.F.No.194, Keeranur Village within a period of one week thereafter. Once the valuation is fixed for the said S.F.No.194, the third respondent shall conclude the registration formality and release the petition mentioned document. It is made clear that these directions have been issued only for the purpose of granting relief to the writ petitioner. It does not affect rights of the Government nor the right of writ petitioner. They shall be dealt with separately.



8.The writ petition stands allowed on these terms. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar(CS)

To:

1.The District Collector,
Pudukkottai.

2.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.

3.The Sub Registrar,
Keeranur,
Pudukkottai District.

4.The Deputy Inspector General of Registration,
Trichirappalli District,
Tirchirappalli.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-59730[F] dated 08/04/2019)

+1 CC to M/s.SPL GP (SR-59956[F] dated 09/04/2019

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08.04.2019

DS (CS) : 07/05/2019/3P/7C