



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.14460 of 2019

M/s.Ariyaman Resorts Private Limited

Through its Director,

E.Sivanantham

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam, Chennai.

2.The Sub Registrar,
Velipattinam
Ramanathapuram District.

3.The Tahsildar,
(Land Acquisition)
Indian Naval Station (Parundu)
Ramanathapuram

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 05.05.2017 in Roc.No.A1/15/2017 passed by the third respondent addressed to the second respondent so far as Survey No.11, Nagachi Village, Ramanathapuram Taluk and District is concerned and quash the same and consequentially to direct the second respondent to register the documents executed by the petitioner company in respect of the said property.

For Petitioner

:Mr.J.Barathan

For Respondents

:Mr.M.Murugan for R1 and R2

Government Advocate

Mr.M.Rajarajan for R3

Government Advocate

ORDER

This Writ Petition is filed challenging the order of the third respondent dated 05.05.2017 addressed to the second respondent and for a consequential direction to the second respondent to register the documents in question executed by the petitioner company.

2. Heard the learned counsel for the petitioner and the learned Government Advocates for the respondents.

3. The petitioner is having land to the vast extent of more



than 200 acres at S.No.11 at Nagachi Village, Ramanathapuram Taluk and District and when the petitioner decided to sell out some portion of the said property in the said survey number, the petitioner faced hurdle from the Registration department, as they, by citing the communication of the third respondent addressed to the second respondent in Roc.No.A1/15/2017, dated 05.05.2017, refused to register the document of the petitioner. Therefore, aggrieved over the said communication of the third respondent addressed to the second respondent dated 05.05.2017, the present writ petition has been filed with the aforesaid prayer.

4. It is submitted by the learned counsel for the petitioner that, in S.No.11 at Nagachi Village, the petitioner is having 89.17.5 Hectares and in this regard, where, for the purpose of acquisition of the land for the extension of existing INS Parundu, ie., Air Station at that area, how much extent of land are going to be acquired by the respondent is not known to the petitioner as well as the second respondent and therefore, in the guise of proposed acquisition of the land, which, according to the petitioner, only a part of the land, the question is whether the registering authority can refuse to register the sale deed in respect of the entire land of the petitioner to the vast extent of 200 or more acres in the said Survey No.11 and hence, the petitioner is before this Court with this petition with the aforesaid prayer.

5. On notice, the learned Government Advocate appearing for the respondents has produced the written instructions given by the third respondent in Roc.No.15/2017 dated 21.08.2019, where the third respondent has stated the following:

"The Indian Navy needs to extend the existing runway and extend the infrastructure of the Naval station for positioning additional assets/resources in view of conducting effective surveillance for Indian maritime security of the southern region of India. It proposed for acquisition of land is an essential one and hence the acquisition of land proposal sent to government and got administrative sanction obtained in G.O.(Ms)No.382, Public (Military) Department dated on 30.05.2018 for acquisition of 95.54.0 hectare (235.98 acres) of lands in Attrankarai, Perungulam and Nagatchi Villages for extension of the existing runway of the Indian Naval Station (I.N.S.Parundu) at Uchipuli under the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013."

6. Also in the draft counter affidavit sent to the learned Government Advocate, he has quoted the following submissions made by the third respondent for the purpose of resolving the present issue,

<https://hcdsrecords.mca.gov.in/hcdsrecords/>



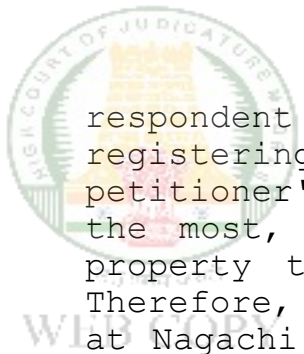
"I wish to state that out of 89.17.5 hectares of dry land in survey number 11 of Nagatchi group an extent of 7.29.0 hectares only on the northern side of land had been proposed to be acquired for the said national defence purpose. To maintain status in the acquisition proposed lands, a letter had been sent to the respondent 2nd not to register any sales in that lands."

7. By relying upon these communications and the submissions made in the draft counter submitted by the third respondent, the learned Government Advocate submits that, the third respondent proposed to acquire the land to an extent of 7.29 hectares of the petitioner at S.No.11 Nagatchi Group Village for the purpose of extension of INS Parundu and therefore, in order to retain the said land that, the present owners not to meddle with or encumber with any third party by creating any third party right, in view of the proposed acquisition, the said impugned communication has already been sent by the third respondent to the second respondent on 05.05.2017.

8. I have gone through the contents made in the impugned order, the present instruction, dated 21.08.2019 of the third respondent as well as the aforesaid averments made in the draft counter affidavit relied upon by the learned Government Advocate.

9. On perusal of the same, now, it has become clear that, the respondents, especially, the third respondent has a proposal to acquire the petitioner's land at S.No.11 at Nagatchi Village, only to the extent of 7.29.0 hectares and in this regard, a rough sketch also has been given by the third respondent, according to which, at the edge of the northern side of the property alone, to the said extent, is going to be acquired. Therefore, it has also become clear that, the remaining land of the petitioner at S.No.11 of Nagatchi Village is not going to be acquired and therefore, insofar as the remaining land are concerned, ie., $89.17.5 - 7.29.0 = 81.88.5$ Hectares is concerned, absolutely, there is no impediment for the petitioner to meddle with the property by creating a third party right. In this context, even though it was submitted by the learned Government Advocate that, the Government is also having a proposal of implementing the provisions of the Land Ceiling legislation against the petitioner, on the ground that, he is having vast extent of land over and above the ceiling limit, since that is not the subject matter in this writ petition, this Court does not want to traverse on that issue. Be that as it may, it is open to the respondents to proceed in accordance with law, insofar as that issue is concerned.

10. Notwithstanding the said issue in respect of the present embargo made by the third respondent through the impugned order, the present instruction, dated 21.08.2019 of the third respondent as well as the aforesaid averments made in the draft counter affidavit relied upon by the learned Government Advocate, is concerned, if at all the third



respondent wants to restrain the registering authority from registering any documents, particularly, in respect of the petitioner's land at S.No.11 at Nagatchi Village is concerned, at the most, it can be restricted only to the northern end of the property to the extent of 7.29.0 Hectares and not beyond that. Therefore, the remaining area, in the very same Survey number No.11, at Nagatchi Village to the extent of 81.88.5 Hectares is concerned, there is no impediment. Hence, the said impugned order, dated 05.05.2017, shall not stand, in the way, in respect of the said land, of the petitioner.

11. In view of all this position, as has been clarified by the respondents, especially, the third respondent, it is open to the petitioner to approach the second respondent for appropriate action by registering the document in respect of S.No.11 at Nagatchi Village, to the extent of 81.88.5 Hectares and in that case, the second respondent, notwithstanding the impugned order dated 05.05.2017 in Roc.No.A1/15/2017 of the third respondent addressed to the second respondent, shall act upon in accordance with law, especially, under the Registration Act.

12. With these clarifications and direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam, Chennai.

2.The Sub Registrar,
Velipattinam
Ramanathapuram District.

3.The Tahsildar,
(Land Acquisition)
Indian Naval Station (Parundu)
Ramanathapuram

+1 CC to M/s.SPL GP (SR-83304[F] dated 26/08/2019)

W.P. (MD)No.14460 of 2019

22.08.2019

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<https://hcservices.ecourts.gov.in/hcservices/>