

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.10185, 10186, 10187, 10189,
10190 & 10191 of 2020

K.Subramanian ... Petitioner in W.P.No.10185 of 2020
S.Karpagam ... Petitioner in W.P.No.10186 of 2020
S.Kaarthika ... Petitioner in W.P.No.10187 of 2020
R.Sakthivel ... Petitioner in W.P.No.10189 of 2020
M.Govindaraj ... Petitioner in W.P.No.10190 of 2020
K.Rajan ... Petitioner in W.P.No.10191 of 2020

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Sooramangalam,
Salem District.

2.The Special Tahsildar,
Land Acquisition,
Neighbourhood Scheme,
Salem 08.

... Respondents in all W.Ps

PRAYER in W.P.Nos.10185, 10186 & 10191 of 2020: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents herein more particularly the first respondent to register the sale deed presented for registration with respect to the Survey Nos.13/1, 13/1X2, 13/1X3, 13/1X6, 13/4, 13/23 in New Ward - T, Block - 3, T.S.No.13, 28, 29 & 51 and comprised at Kandampatti Village as per the certificates issued by the second respondent dated 20.04.2012 & 25.04.2012 and pass orders.

PRAYER in W.P.No.10187 of 2020: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents herein more particularly the first respondent to register the sale deed presented for registration with respect to the Survey Nos.13/1X3, 13/1X6 in New Ward - T, Block - 3, T.S.No.28 & 29 and comprised at Kandampatti Village as per the certificates issued by the second respondent dated 20.04.2012 & 25.04.2012 and pass orders.

PRAYER in W.P.No.10189 of 2020: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents herein more particularly the first respondent to register the sale deed presented for registration with respect to the Survey Nos.13/1, 13/1X3 in New Ward - T, Block - 3, T.S.No.28 and comprised at Kandampatti Village as per the certificates issued by the second respondent dated 20.04.2012 & 25.04.2012 and pass orders.

PRAYER in W.P.No.10190 of 2020: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents herein more particularly the first respondent to register the sale deed presented for registration with respect to the Survey Nos.13/1X2, 13/1X3, 13/1X6, 13/4, 13/23 in New Ward - T, Block - 3, T.S.No.13, 28, 29 & 51 and comprised at Kandampatti Village as per the certificates issued by the second respondent dated 20.04.2012 & 25.04.2012 and pass orders.

In all W.Ps.

For Petitioners : Ms.Dakshayani Reddy for Mr.P.Nethaji

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader for R1
Mr.E.Manoharan,
Special Government Pleader for R2

C O M M O N O R D E R

All these writ petitions have been filed for a direction to the first respondent to register the Sale Deed presented for registration and to release the documents.

2.The case of the petitioners is that they are the absolute owners of the property situated at Kandampatti Village by virtue of six Sale Deeds and one Settlement Deed, which are all registered documents. The further case of the petitioners is that a clarification was also issued by the second respondent by memo dated 20.04.2012 and 25.04.2012 to the effect that the

subject property does not form part of the acquisition proceedings that was undertaken to acquire lands for the Tamil Nadu Housing Board. Those proceedings have also filed in the typed set of papers.

3.The petitioners wanted to sell the subject property and accordingly, the documents were presented for registration before the first respondent. The grievance of the petitioners is that the documents were not received by the first respondent on the ground that objections have been received from the Tamil Nadu Housing Board. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the first respondent submitted that the petitioners can be directed to present the documents for registration before the first respondent and the first respondent will receive the documents and scrutinize the same. The learned counsel further submitted that the first respondent will get necessary clarification from the second respondent and if there is no bar in registering the documents, the first respondent will proceed to register the documents and release the same to the petitioners. If in case, any objection is raised by the second respondent, the same will be intimated to the petitioners and a decisions will be taken by the first respondent under Section 71 of the Registration Act.

5.Mr.E.Manoharan, learned Special Government Pleader appearing on behalf of the second respondent submitted that the second respondent will verify as to whether the subject property is also covered under the acquisition proceedings and the same will be intimated to the first respondent. The learned counsel further submitted that the earlier memo issued by the second respondent on 20.04.2012 and 25.04.2012 will also be taken into consideration while verifying the particulars.

6.The learned counsel for the petitioners submitted that the first respondent must be directed to receive the documents and proceed further to register and release the same within the time stipulated by this Court.

7.This Court has carefully considered the submissions made on either side and the materials available on record.

8.The specific stand taken by the first and second respondents is recorded. The petitioners are directed to present the documents for registration to the first respondent. The

first respondent shall receive the documents and shall take appropriate instructions from the second respondent. The second respondent shall also immediately inform the first respondent as to whether the subject property also formed part of the earlier acquisition proceedings. If there is no bar in registering the documents, the same shall be registered immediately subject to the petitioners paying the necessary stamp duty and registration charges. If there are no objections, the first respondent shall pass orders under Section 71 of the Registration Act. The entire exercise shall be completed within a period of four weeks from the date of the presentation of the documents by the petitioners.

9.All these Writ Petitions are disposed of with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

vkr
To

1.The Sub Registrar,
Office of the Sub Registrar,
Sooramangalam,
Salem District.

2.The Special Tahsildar,
Land Acquisition,
Neighbourhood Scheme,
Salem 08.

3.The Government Pleader,
High Court, Madras.

+6 ccs to Mr.P.Nethaji Advocate sr26638

+1 cc to Government pleader sr26723

W.P.Nos.10185, 10186, 10187, 10189,
10190 & 10191 of 2020

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