

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 10404 of 2020

D. Kasiraj,
S/o. K.Duraisamy

...Petitioner

Vs.

1. The State of Tamil Nadu, rep. by its Secretary, Commercial Taxes and Registration Department, Fort St. George, Chennai - 600 009.
2. The Inspector General of Registration, Santhome High Road, Santhome, Chennai - 600 028.
3. The District Collector, Tirunelveli District, Tirunelveli - 627 009.
4. The District Registrar, Tirunelveli District, Tirunelveli - 627 009.
5. The Sub-Registrar, office of the Sub-Registrar, Adyar, Chennai - 600 020.
6. The Sub-Registrar, Office of the Sub-Registrar, Gangaikondan, Tirunelveli District, Tirunelveli - 627 352.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the fifth respondent to register the document executed in favour of the petitioner by Thiru. P. Mohan, conferring general power of attorney in respect of the subject properties mentioned in the Document No.P.64/2020 dated 06.03.2020 pending on the file of the fifth respondent, holding that the subject properties do not come under the classification of Panchami land of Depressed Class (DC).

For Petitioner : Mr. P. Ulaganathan

For Respondents : Mr.T.M. Pappiah
Special Government Pleader [R1,R2,R4
to R6]

Mr.E.Balamurugn
Special Government Pleader [R3]

ORDER

This writ petition has been filed for the issuance of a writ of mandamus directing the fifth respondent to register the power of attorney dated 06.03.2020 within the time stipulated by this Court.

2. The case of the petitioner is that the power of attorney was executed in favour of the petitioner for dealing with the said property. The property is situated at Gangaikondan Village at Tirunelveli District. The document was submitted before the fifth respondent and the fifth respondent on receipt of the document, kept it as a pending document on the ground that the land in question is a Panchami land and therefore the fifth respondent has sought for a report from the sixth respondent.

3. The petitioner had questioned the very Act of the fifth respondent in calling for a report from the sixth respondent. Where according to the petitioner, the property in question is not a Panchami land and there are sufficient documents to prove the same.

4. Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents 2 to 6 submitted that some time limit can be fixed by this Court to enable the fifth respondent to take an appropriate decision to either register the document or to pass necessary orders under Section 71 of the Registration Act.

5. In reply to the submission, the learned counsel for the petitioner submitted that the fifth respondent can get the report from the sixth respondent and some time can be fixed by this Court to complete the process.

6. Taking into consideration the facts and circumstances and the limited relief sought for in this writ petition, there shall be a direction to the fifth respondent to either register the document submitted by the petitioner or pass appropriate orders under Section 71 of the Registration Act within a period of three weeks from the date of receipt of a copy of this order. If

the fifth respondent want, to collect the report from the sixth respondent, the same shall also be done within the time stipulated by this Court.

7. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary, Commercial Taxes and Registration Department,
Fort St. George, Chennai - 600 009.
2. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai - 600 028.
3. The District Collector,
Tirunelveli District,
Tirunelveli - 627 009.
4. The District Registrar,
Tirunelveli District,
Tirunelveli - 627 009.
5. The Sub-Registrar,
office of the Sub-Registrar, Adyar,
Chennai - 600 020.
6. The Sub-Registrar,
Office of the Sub-Registrar,
Gangaikondan,
Tirunelveli District, Tirunelveli - 627 352.

+1cc to Mr.P.Ulaganathan, Advocate in Sr.No.26384

W.P.No.10404 of 2020

mr (co)
rr ii (03/09/2020)