



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14598 of 2010
and
W.M.P.No.17203 of 2016

C.Rani

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhom,
Chennai.
2. The District Registrar,
Gandhi Nagar,
Thiruvannamalai.
3. The Joint Registrar,
Gandhi Nagar,
Thiruvannamalai.
4. Thiruvannamalai Municipality,
Represented by its Commissioner.
[R-4 is suo-motu impleaded as per order
dated 25.11.2016 in W.P.No.14598 of 2010]

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order of the second respondent passed in Appeal.No.4 of 2003 dated 16.06.2010, confirming the order of the third respondent vide order dated 16.05.2003 and quash the same and direct the respondents 2 and 3 to release/register the document No.P159/1999 dated 06.10.1999 to the petitioner.

For Petitioner : Mr.M.Devaraj
for Mr.Rajkumar



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For Respondents
*** 1 to 3**

: Mr.M.R.Gokul Krishnan
Government Advocate

*** For Proposed Respondents**
5 to 9

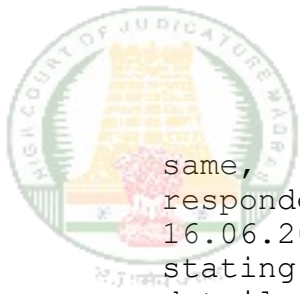
: Mr.S.Sathish Rajan

O R D E R

This Writ Petition has been filed seeking to quash Appeal.No.4 of 2003 dated 16.06.2010 passed by the second respondent, confirming the order of the third respondent vide order dated 16.05.2003 and to direct the respondents 2 and 3 to release/register the document No.P159/1999 dated 06.10.1999 to the petitioner.

2.The case of the petitioner is that she purchased the property comprised in T.S.No.1890/1C (New T.S.No.1890/1C3) ad-measuring to an extent of 1.20 acre at Thiruvannamalai from one Anumaan for valid sale consideration. Originally, the said property was purchased by the father of Anumaan, viz., Sukkan Chetty, vide registered Document No.1014 of 1943. Thereafter, he executed a registered Will in favour of his wife viz., Chinnathayammal, vide registered Document No.135 of 1978. After the death of the said Sukkan Chetty his wife said Chinnathayammal, their son, viz., the petitioner's vendor, got a share in the land by way of partition deed, vide registered Document No.468 of 1989. From the date of partition, the petitioner's vendor has absolute possession and enjoyment of the said land. On the strength of the same, the petitioner's vendor, viz., the said Anumaan, executed a sale deed dated 06.10.1999 and presented the same for registration before the third respondent. However, the third respondent kept the document as pending, vide pending Document No.159/1999. Thereafter, it was referred for determining the market value of the property under Section 47-A of the Indian Stamp Act. On such reference, the District Collector directed the Stamp Duty Special Tahsildar to determine the value of the land after enquiry. The petitioner also participated in the enquiry and produced documents with regard to the value of the property. However, when the petitioner was ready to pay the deficit Stamp Duty as fixed by the Collector, without any notice or opportunity to the petitioner, the third respondent simply cancelled the sale deed by an order dated 16.05.2003, on the basis of G.O.Ms.No.150, dated 22.09.2000.

3. According to the third respondent, there was a complaint from one Ravikumar alleging that the subject land belonged to the fourth respondent herein, and the petitioner's vendor viz., the said Anumaan, had no title over the property. The said land was also classified as Government Poramboke. Aggrieved by the



same, the petitioner filed an appeal before the second respondent and the second respondent by an order dated 16.06.2010 rejected the appeal filed by the petitioner without stating any reasons. Therefore, the petitioner submitted detailed representation dated 25.06.2010 to the first respondent. On the receipt of the same, the first respondent considered the claim of the petitioner and by an order dated 04.05.2021 directed the second respondent to re-consider the rejection order passed by him and consider the request of the petitioner on the basis of the report from the Special Tahsildar, Tiruvannamalai dated 20.02.2021. Thereafter, the second respondent did not take any steps to pass any order as directed by the first respondent. Therefore, the petitioner obtained information under the Right to Information Act and it reveals that the Tahsildar, Tiruvannamalai had sent a report dated 06.08.2021 to the second respondent that patta in respect of the subject property is registered in the name of the said Sukkan Chetty son of Appu Chetty and further informed that no objection certificate has been issued for registration of the sale deed in respect of the subject property, which was presented by the petitioner in favour of the claim of the petitioner.

4. While pending this Writ Petition, the respondents 5 to 9 filed a implead petition in WMP.No.17203 of 2016 to implead themselves as parties to the present writ petition on the ground that the petitioner's vendor viz., the said Anumaan at any point of time was not at all executed any sale deed in favour of the petitioner. After execution of the sale deed in favour of the petitioner, the said Anumaan died on 01.02.2012, the implead petitioners being the legal heirs objected the sale deed executed by their father. Admittedly, the implead petitioners' father executed the sale deed in favour of the petitioner on 06.10.1999 and presented for registration. In fact, the third respondent had kept the document as pending in pending Document No.159/1999. Therefore, if at all they have any grievance over the sale deed executed by their father, they have to approach the jurisdictional Civil Court for appropriate relief. Hence, they are not necessary parties in this Writ Petition and the implead petition is hereby dismissed.

5. In that view of the matter, the second respondent is now keeping the matter pending without passing any order. In view of the directions issued by the first respondent by order dated 04.05.2021 and the no objection certificate issued by the Tahsildar, Tiruvannamalai, after giving full opportunity of hearing to the petitioner and the fourth respondent viz., the Commissioner, Thiruvannamalai Municipality, the second respondent shall pass appropriate orders on merits and in accordance with law within a period of four weeks from the date



of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)
(24.09.2021)

***Appearance corrected as per
order dated 27.10.2021 in
WP.No.14598 of 2010**

Sd/-

**Assistant Registrar(CO)
(04.05.2022)**

//True Copy//

Sub Assistant Registrar

kv

To

1. The Inspector General of Registration,
Santhom,
Chennai.
2. The District Registrar,
Gandhi Nagar,
Thiruvannamalai.
3. The Joint Registrar,
Gandhi Nagar,
Thiruvannamalai.
4. The Commissioner.
Thiruvannamalai Municipality,

***To be Substituted
to the order
already despatched
on 28.09.2021**

+2ccs to M/s.T.RajKumar, Advocate, S.R.No.48106
+2ccs to M/s.T.RajKumar, Advocate, S.R.No.48057,55221
+1cc to the Government Pleader, S.R.No.48505

W.P.No.14598 of 2010

BP (CO)
B.VC (24/09/2021)
PM/05/05/2022