



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.7961, 13863 of 2012
and
M.P.Nos.2,1 of 2012

W.P.No.7961 of 2012:

S.Sankaran Reddiyar

... Petitioner

Vs

1. The District Registrar,
Office of the District Registrar,
Cuddalore - 1.
2. The Sub Registrar,
Office of the Sub Registrar,
Kumbakonam Road,
Panruti.
3. The Commissioner,
Panruti Municipality,
Panruti, Cuddalore District.
4. The Deputy Director,
Town Planning,
Villupuram Circle,
No.56-A, Government Hospital Road,
Villupuram, Villupuram District.

... Respondents

Prayer in W.P.No.7961 of 2012 : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the proceedings in Na.Ka.No.6367/2011/F1 dated Nil.02.2012 on the file of the third respondent together with further letter of the third respondent in Na.Ka.No.6367/2011/F1 dated 14.02.2012 addressed to the second respondent so as to quash the same.



W.P.No.13863 of 2012:

S.Sankaran Reddiyar

... Petitioner

WEB COPY

Vs

1. The Inspector General of Registration,
No.100, Santhome Road,
Foreshore Estate,
Chennai - 600 028.
2. The District Registrar (Administration),
Office of the District Registrar,
Cuddalore - 1.
3. The Sub Registrar,
Office of the Sub Registrar,
Kumbakonam Road,
Panruti, Cuddalore District.

3. V.Arumugam

... Respondents

Prayer in W.P.No.13863 of 2012 : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the proceedings in Na.Ka.No.10791/AA-1/2011 dated 22.05.2012 on the file of the second respondent so as to quash the same.

For Petitioner in both WP's	:	Mr.N.Jothi for Mr.S.Vinod, B.Natarajan
For Respondents 1 to 3 in W.P.13863 of 2012	:	Mr.Richardson Wilson, Government Advocate
For Respondent 4 in W.P.13863 of 2012	:	No Appearance
For Respondents 1, 2, 4 in W.P.7961 of 2012	:	Mr.Richardson Wilson, Government Advocate
For Respondent 3 in W.P.7961 of 2012	:	Mr.K.Moorthy



COMMON ORDER

The W.P.No.7961 of 2012 has been filed to issue a Writ of Certiorari to call for the records pertaining to the proceedings in Na.Ka.No.6367/2011/F1 dated Nil.02.2012 on the file of the third respondent together with further letter of the third respondent in Na.Ka.No.6367/2011/F1 dated 14.02.2012 addressed to the second respondent so as to quash the same.

2. The W.P.No.13863 of 2012 has been filed to issue a Writ of Certiorari to call for the records pertaining to the proceedings in Na.Ka.No.10791/AA-1/2011 dated 22.05.2012 on the file of the second respondent so as to quash the same.

3. The land comprised in Survey Nos.231/1-5, 232/1, 232/2, 233/2 and 234/4 to an extent of 2.23 acres were subjected for lay out approval before the fourth respondent in W.P.No.7961 of 2012 by one Sundrambal wife of Sambasivam, Duraiswamy son of Chinna Chettiyar and S.Muthuraman son of Sankaran. By the approval dated 08.02.1988 lay out was approved subject to the conditions. Accordingly, the total extent of the land admeasuring 2.23 acres lay out into 18 house flats in which 9838 sq.ft. (10.12 per cent of the total extent of the land) was allotted to public use and 2340 sq.ft. (2.4 per cent of the total extent of the land) was allotted for shops.

4. Further condition is that the land meant for public use is to be donated in favour of the Commissioner, Panruti Municipality the land owners failed to donate the said land in favour of the third respondent to provide amenities such as road, park etc. However, the land owners had sold out the entire house plots and in fact the purchasers of the respective plot owners had applied for regularization of their respective plots. After regularization their plan was approved and they constructed their respective houses of their house were assessed the property tax and they are residing there.

5. While being so, one of the purchaser namely Arumugam lodged complaint before the Land Grabbing Cell alleging that the land owners had allotted the land which was allotted for public use to various persons. On receipt of the complaint, the third respondent in W.P.No.7961 of 2012 requested the fourth respondent to take appropriate action. At the same time, the third respondent also issued the impugned notice to the petitioner herein thereby directed to gift the land which was meant for public use. On receipt of the said complaint, the second respondent in W.P.No.13863 of 2012 issued the impugned notice the petitioner thereby call upon him to appear for enquiry to be held on 11.06.2012.



6. It is seen from the records that the petitioner is neither the owner of the said land nor the vendor of the said land. The petitioner is the husband of the said Sundrambal. He was issued with the impugned notice. That apart, on perusal of the documents submitted by the petitioner, it was revealed that the purchaser of their respective house plots applied for regularization in respect of flat no.6 and the same was regularized on certain conditions. After fulfilling the said conditions, they are permitted to construct their respective house and assessed to the property tax.

7. However, the petitioner is no way connected with the land as well as the lay out approval dated 08.02.1988. Even according to the respondents the subject land owned by 3 persons namely S.Sundrambal, Duraiswamy and S.Muthuraman.

8. The learned for the petitioner also submitted that in fact, the entire house flats has sold out and the respective purchasers have constructed the house and assessed their property tax. The third respondent in W.P.No.7961 of 2012 provided all amenities such as road, park etc., and provided other facilities in the land which was left out by the original owners for public use.

9. Therefore, the petitioner is no way connected with the subject land and without application of mind the impugned notice was served on the petitioner. Hence, the impugned notice cannot be sustained as against the petitioner and liable to be quashed. However, the third respondent in W.P.No.7961 of 2012 is at liberty to take appropriate action as against the land owners who allegedly sold out the land which was meant for public use in the manner known to law. The second respondent in W.P.No.13863 of 2012 is at liberty to take about the direction as against the land owners for the allegation of fraudulent sale as per the letter issued by the Inspector General of Registration dated 09.07.2021 in Letter No.20217/U1/2021 in the manner known to law.

10. With the above directions, these writ petitions are allowed. Consequently, the connected M.P.Nos.1, 2 of 2012 are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rna



To

1. The District Registrar,
Office of the District Registrar,
Cuddalore - 1.
2. The Sub Registrar,
Office of the Sub Registrar,
Kumbakonam Road, Panruti.
3. The Commissioner,
Panruti Municipality,
Panruti, Cuddalore District.
4. The Deputy Director,
Town Planning, Villupuram Circle,
No.56-A, Government Hospital Road,
Villupuram, Villupuram District.
5. The Inspector General of Registration,
No.100, Santhome Road,
Foreshore Estate,
Chennai - 600 028.

+4ccs to Mr.S.Vinod, Advocate, S.R.No.54091 & 54092

+1cc to Mr.S.K.Rakhunathan, Advocate, S.R.No.54161

+1cc to Mr.K.Moorthy, Advocate, S.R.No.54513

+1cc to the Government Pleader, S.R.No.55071

W.P.Nos.7961, 13863 of 2012
and M.P.Nos.1, 2 of 2012

CA(CO)
SU(22/11/2021)