



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.14713 of 2021

Mrs.V.Kaveri

... Petitioner

Vs.

1. The Inspector General of Registration
No.100, Santhome High Road,
Chennai - 600 004.
2. The District Registrar,
North Chennai Registration District,
1st Floor, Kuralagam,
Chennai - 600 108.
3. The Sub-Registrar
Red Hills, Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to register and release the document pending in Pending No.104 of 2021 on the file of the 3rd respondent.

For Petitioner	.. Mr.N.Baaskaran
For RR1 to 3	.. Mr.K.M.D.Muhilan
	(Govt.Advocate)

ORDER

The Writ Petition has been filed in the nature of Mandamus directing the 3rd respondent to register and release the document now pending in Pending No.104 of 2021.

2.The writ petitioner had purchased the land and a sale deed dated 10.03.2021 had been executed by her vendor and the said document had been presented before the Sub-Registrar, Red Hills, Thiruvallur District, for registration.

3.It must be stated that the property under question had been originally conveyed to the Government of India by the then



Government of Madras by Memorandum No.47800 C/52-14 for consideration of Rs.17,726.14.00/-. This was on 29.03.1954. From that year and date onwards, the Union Government has been in possession of the said land and had exercised ownership rights also.

WEB COPY

4. Thereafter, the lands were allotted to Videsh Sanchar Nigam Limited and more particularly later to Videsh Sanchar Nigam Employees Co-operatives Housing Society. The lands are situated at Padinallur, Chennai. The Housing Society had plotted out the lands and the subdivided plots had been further allotted to its various members. One among them was the vendor of the petitioner herein who had purchased the property now covered in this writ petition by sale deed dated 27.08.2010. The Revenue Department on 19.10.2011 had also issued patta in the name of the vendor of the petitioner herein.

5. In the meanwhile, in the year 2014, W.P.No.23739 of 2014 and W.P.No.23740 of 2014 came to be filed owing to the fact that the State Government had apparently taken steps to cancel the pattas granted in favour of both Union Government of India and Videsh Sanchar Nigam Limited. The Videsh Sanchar Nigam Employees Co-operative Housing Society had thereafter, filed W.P.No.23740 of 2014 and another entity Tata Communications Limited had filed W.P.No.23739 of 2014.

6. The writ petitions progressed in their normal way meandering around and finally on 02.03.2017, a learned Single Judge allowed both the writ petitions, quashing the order of the State Government cancelling the pattas.

7. However, it was noted by the learned Single Judge that the Government had not interfered with the conveyance of the land for consideration in favour of the Government of India.

8. Thereafter, it appears that the State Government had taken a decision to file a Writ Appeal, but filed such Writ Appeal with delay and in that connection to condone the delay had filed C.M.P.No.878 of 2019 and C.M.P.No.879 of 2019. Both the civil miscellaneous petitions are still pending. In effect the writ appeals had not been taken on file by the Writ Appellate Court.

9. The petitioner herein had purchased the property and presented for registration the sale deed in her favour. The Registrar had requested information to be forwarded by the Tasildhar who had thereafter given a communication that though both the Writ Petitions had been dismissed, the civil miscellaneous petitions are pending. It had not been clarified by the Tasildhar that the civil miscellaneous petitions are only to condone the delay in filing the Writ Appeal.



10.This Writ Petition has now been filed seeking a Mandamus directing the 3rd respondent to register the document.

11.The issue now is whether the order dated 06.06.2011 with respect to interference with grant of pattas to individual members and to the Videsh Sanchar Nigam Employees Co-Operative Housing Society would affect the title of the petitioner or not. That is an issue which the petitioner will have to face in the course of holding of the land which she has purchased.

12.I find no reason for the Sub-Registrar to hold on to the document presented for registration without informing the petitioner as to why he is keeping the document pending.

13.A direction is therefore issued to the 3rd respondent, Sub-Registrar, to register the document now pending and may keep in mind that the High Court had allowed the aforesaid Writ Petitions, thereby, quashing the order of the State Governments and there is no other order either interfering with the said order in the Writ Petitions or directing revisit of the said order. The civil miscellaneous petitions seeking to condone delay in filing the writ appeals alone are pending.

14.It is for the petitioner to face any interference in her title pursuant to any orders in the writ appeals whenever they are passed. I hold that it would be highly inappropriate on the part of the 3rd respondent, Sub-Registrar, to withhold registration on that particular ground. If an order had been passed in favour of the State Government, then the 3rd respondent would have had every right to seek queries from the writ petitioner. As on date, no such orders have been passed. The burden is on the petitioner to face the consequences thereof. The Revenue Department have a right to initiate necessary action if at all orders are passed in their favour in the Writ Appeals, if the appeals are taken on file.

15.It is needless to point out that several transactions have already taken place which have been mentioned in the order of the Writ Petitions itself by the learned Single Judge. This petitioner alone cannot be singled out. A direction is therefore issued to the 3rd respondent, Sub-Registrar, Red Hills, Thiruvallur District, to register the Sale Deed presented by the petitioner for registration. It is open to the petitioner herein to face any legal issues that might arise, if at all orders are passed in the Writ Appeals, if the delay is condoned.



16. With the above observations, the Writ Petition is allowed. No costs.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smv

To

1. The Inspector General of Registration
No.100, Santhome High Road,
Chennai - 600 004.
2. The District Registrar,
North Chennai Registration District,
1st Floor, Kuralagam,
Chennai - 600 108.
3. The Sub-Registrar
Red Hills, Thiruvallur District.

+1 CC to Mr.N.Baaskaran, Advocate, Sr.No. 38335.
+1 CC to The Government Pleader, Sr.No. 38845.

W.P.No.14713 of 2021

GPL (CO)
LS (24/08/2021)