



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.18843 of 2021

Geetha Jayaprakash

... Petitioner

-Vs-

1. The District Registrar,
Office of the District Registrar,
Udhagamandalam.
2. The Joint Sub Registrar-I
Office of the Joint Sub Registrar-I
Udhagamandalam.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent in refusal check slip No.RFL-Uthagamandalam-Joint 1/73/2021 dated 17.08.2021 and to quash and further direct the second respondent receive and register the Release deed in accordance with the Section 55A of the Indian Stamp Act, 1895.

For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The Writ Petition has been filed to call for the records of the second respondent in refusal check slip No.RFL-Uthagamandalam-Joint 1/73/2021 dated 17.08.2021 and to quash and further direct the second respondent to receive and register the Release deed in accordance with the Section 55A of the Indian Stamp Act, 1895.



2. The case of the petitioner is that in respect of the property comprised in S.No.0.252/A-2 to an extent of 1.19-12/16 acres situated at Ootacamund Town, an instrument dated 28.04.1942, was executed between the then Governor of Madars and one Mabel Start, by declaring that the said land was henceforth free from all demands on the part of the Governor of Madras. The petitioner's father had purchased the land to an extent of 0.29-1/8 acres in old D.No.175A, old Ward No.II, New D.No.44, New Ward No.III, situated at S.No.C252A/2B, R.S.No.4040/2B, commonly known as Bramley, Ootacamund Town, Ootacamund Taluk, from one Gerdrude Gonesalvas, by the Sale Deed dated 22.09.1971 registered vide document No.1067/1971.

3. While being so, the State of Tamilnadu enacted the Tamilnadu Levy of Ryotwari Assessment on Free-Holds Lands Act, 1972 (herein after called as "the Act") and published the same in the government gazette on 01.10.1973. The object of the said Act is only to provide for the levy of Ryotwari Assessment on free hold lands. As per Section 9(1) of the Act, every owner of free hold land shall be liable to pay land revenue for the fasli year commencing from the 1st day of July, 1972, in respect of their free hold lands. According to the petitioner, the levy of assessment of lands was imposed on her father and her mother paid the same.

4. After demise of her father, the legal heirs made a family arrangement and the petitioner and six others agreed to release their 32/36 undivided shares and interest in respect of the land to an extent of 0-11.23 hectare comprised in Old.S.No.C252A/2B, R.S.No.4040/2B, T.S.No.33 of Ward - C situated at Block No.13, Udhagamandalam Town together with building in D.No.175-A, Udhagamandalam Municipality, in favour of her brother. The said document was presented before the second respondent on 17.08.2021 for registration with necessary stamp duty and charges. However, the second respondent refused to registered same for the reason that on perusal of records, the subject property is mentioned as free hold in the Chitta/TSLR. Aggrieved by the same, the petitioner filed this Writ Petition with the above said prayer.

5. Heard Mr.M.Raja Sekhar, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents.

6. The learned counsel appearing for the petitioner would



submit that as per Section 21 of the Act, the burden of levying land revenue for the lands classified as freehold and then issuing a chitta is upon the government, over which the petitioner has no control and the same cannot be the reason for refusal to register the document.

7. Per contra, the learned Special Government Pleader appearing for the respondents pointed out that as per Section 9 (1) of the Act, every owner of free-hold land shall, for the falli year commencing on the 1st day of July 1972 and for each subsequent fasli year, be liable to pay to the government in respect of his free-hold land the assessment under the ryotwari settlement effected under this Act. Accordingly, the petitioner is liable to pay a sum of Rs.6.25 per acre, as per the proceeding issued by the Tax Assistant Officer, Coonoor.

8. At that juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- as per the provisions under Section 9(1) of the Act.

9. In view of the above submission, the petitioner is directed to pay the land revenue for the subject land at Rs.10,000/- (Rupees ten thousand only), within a period of two weeks from the date of receipt of a copy of this Order, before the District Revenue Officer, Udthagamandalam, Nilgiris District and after payment, she is directed to re-present the Release Deed for registration along with the payment acknowledgment before the second respondent. On receipt of the same, the second respondent is directed to register the same within a period of two weeks thereafter.

10. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rts



To

1. The District Registrar,
Office of the District Registrar,
Udhagamandalam.
2. The Joint Sub Registrar-I
Office of the Joint Sub Registrar-I
Udhagamandalam.
3. The District Revenue Officer,
Udhagamandalam,
Nilgiris District.

+1cc to Mr.M.Rajasekhar, Advocate, S.R.No.59203

+1cc to the Government Pleader, S.R.No.59436

W.P. No.18843 of 2021

SS(CO)
SU(03/12/2021)