



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.Nos.3288 & 3289 of 2014 and
MP.No.1 of 2014

WP.No.3288 of 2014

A.Malaisamy ... Petitioner

Vs

1.The District Registrar(Administration),
Chennai North Registration District,
Chennai

2.The Sub Registrar,
Office of the Madhavaram,
Sub Registration, Madhavaram,
Chennai 600 060

3.The General Manager,
District Industries Centre,
Department of Industries and Commerce,
Tiruvallur ... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 & 2 to register the documents pertaining to the petitioner's undivided share of land comprised in S.No.1088/2A3 T.S.No.22 of Madhavaram Village over an extent of 0.20.0 hectares or 21833 sq.ft. or 2.028.52 sq.mts. without reference to the objections made by the third respondent.

For Petitioner : Mr.M.Muthappan

For R1 & 2 : Mr.M.R.Gokul Krishnan,
Government Advocate

For R3 : Mr.A.Palaniappan

WP.No.3289 of 2014

A.Malaisamy ... Petitioner

Vs



1.The District Registrar(Administration),
Chennai North Registration District,
Chennai

2.The Sub Registrar,
Office of the Madhavaram,
Sub Registration, Madhavaram,
Chennai 600 060

3.The General Manager,
District Industries Centre,
Department of Industries and Commerce,
Tiruvallur

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of declaration declaring the endorsement of objections of the third respondent made by the second respondent in the encumbrance certificate pertaining to the petitioner's land comprised in S.No.1088/2A3 T.S.No.22 of Madhavaram Village over an extent of 0.20.0 hectares or 21833 sq.ft. or 2.028.52 sq.mtrs as null and void, ultravires the provisions of the Registration Act, 1908 and Rules.

For Petitioner : Mr.M.Muthappan

For R1 & 2 : Mr.M.R.Gokul Krishnan,
Government Advocate

For R3 : Mr.A.Palaniappan

COMMON ORDER

The writ petition in WP.No.3288 of 2014 is filed to issue a Writ of Mandamus directing the respondents 1 & 2 to register the documents pertaining to the petitioner's undivided share of land comprised in S.No.1088/2A3 T.S.No.22 of Madhavaram Village over an extent of 0.20.0 hectares or 21833 sq.ft. or 2.028.52 sq.mts. without reference to the objections made by the third respondent. The writ petition in WP.No.3289 of 2014 is filed to issue a Writ of declaration declaring the endorsement of objections of the third respondent made by the second respondent in the encumbrance certificate pertaining to the petitioner's land comprised in S.No.1088/2A3 T.S.No.22 of Madhavaram Village over an extent of 0.20.0 hectares or 21833 sq.ft. or 2.028.52 sq.mtrs as null and void, ultravires the provisions of the Registration Act, 1908 and Rules.



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2. The case of the petitioner is that the land comprised in survey No.1088/283 TS.No.22 to an extent of 0.15.5 hectares as per patta No.732 was purchased by the petitioner and his wife by the registered sale deed dated 05.09.2008 registered vide document No.6965 of 2008 on the file of the Sub Registrar, Sembium. Thereafter, the petitioner applied for planning permission before the CMDA to promote the said property. His wife executed settlement deed in his favour conveying her half of the undivided share by the registered settlement deed dated 03.07.2012 registered vide document No.3442 of 2012. While developing the said property, one of the intended purchaser has presented document to register his undivided share in the said property, which was refused by the second respondent to register the same on the ground that the third respondent has given objection to register sale deed with respect to the above said survey number on the ground that the said land belong to Tamilnadu Leather Corporation and the vendor of the petitioner has lost his suit in OS.No.170 of 2004 on the file of the District Munsif Court, Tiruvallur. Therefore, the petitioner filed one of the writ petition to declare the endorsement in the encumbrance certificate in respect of the subject property in S.No.1088/2A3 T.S.No.22 of Madhavaram Village over an extent of 0.20.0 hectares or 21833 sq.ft. or 2.028.52 sq.mtrs as null and void. He also filed another writ petition for direction directing the first and second respondents to register the documents pertaining to the subject property's undivided share purchased by the purchasers.

3. The third respondent filed counter and the learned counsel for the third respondent submitted that the vendor of the petitioner had filed suit in OS.No.170 of 2004 for declaration declaring that the notice issued by the third respondent as null and void. The said notice was issued to remove the compound wall put up by the petitioner's vendor in the land comprised in survey No.1088/1. The said suit was dismissed on the ground that his vendor did not establish their case that the compound wall situated on the northern side of the suit property is falling within the property belonging to them and that the patta in respect of the said property was only in respect of the survey No.1088/2A1 and survey No.1088/2A3. Aggrieved by the same, the petitioner's vendor filed appeal suit in AS.No.21 of 2007 on the file of the IV Additional District Court, Thiruvallur at Ponneri. Further his appeal suit was allowed and aggrieved by the same, the third respondent filed SA.No.496 of 2020 before this Court and it is pending for adjudication.

4. While the second appeal is pending, it is not appropriate to issue any direction as sought for in the writ



petitions. However, subject to the result of the second appeal in SA.No.496 of 2020, the petitioner can very well approach the respondent concerned to remove the endorsement in the encumbrance certificate as well as to seek for registration of undivided share in respect of the subject property.

5. In view of the above, the petitioner is directed to approach the second respondent to remove the endorsement made in the encumbrance certificate in respect of the subject property comprised in S.No.1088/2A3 T.S.No.22 of Madhavaram Village over an extent of 0.20.0 hectares or 21833 sq.ft. or 2.028.52 sq.mts. and also to seek for registration of undivided share in respect of the subject property subject to the result of the second appeal in SA.No.496 of 2020 on the file of this Court.

6. With the above direction, both the writ petitions are disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Registrar(Administration),
Chennai North Registration District,
Chennai

2.The Sub Registrar,
Office of the Madhavaram,
Sub Registration, Madhavaram,
Chennai 600 060

3.The General Manager,
District Industries Centre,
Department of Industries and Commerce,
Tiruvallur

+1cc to Mr.M.Muthappan, Advocate, S.R.No.56330

+1cc to Mr.A.Palaniappan, Advocate, S.R.No.56397

WP.Nos.3288 & 3289 of 2014

PCH(CO)
SB(01/12/2021)