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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.21298 of 2021

V. Joseph Manoharan

... 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: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 3rd respondent to register and release the documents in survey Nos.155/2 and 156 allotted to the members of V.S.N.L. Housing Society to the extent of 32.5 acres situated at Padianallur, Ponneri Taluk, Thiruvallur District based on petitioner's representation dated 16.03.2021 and pass orders accordingly.

For Petitioner : Mr. M. Sudhakaran
(For M/s. Karan and Uday)

For Respondents : Mr.Yogesh Kannadasan
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the 3rd respondent to register and release the documents in survey Nos.155/2 and 156 allotted to the members of



V.S.N.L. Housing Society to the extent of 32.5 acres situated at Padianallur, Ponneri Taluk, Thiruvallur District based on petitioner's representation dated 16.03.2021 and pass orders accordingly.

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2. Heard the learned counsel for the petitioner and the learned Government Advocate as well as perused the material available on records.

3. It is brought to the notice of this Court by the learned counsel for the petitioner that in the similar case, this Court by its order dated 04.08.2021 in W.P. No.14713 of 2021 has issued a direction to the 3rd respondent wherein to register the document now pending and may keep in mind that the High Court had allowed the Writ petitions in W.P.Nos.23739 and 23740 of 2014 on the ground that there is no other order either intervening with the said order in the Writ petition or directing to revisit of the said order. Since C.M.P.s seeking to condone the delay are pending, the petitioner was directed to take any interference in title pursuant to the order passed in Writ Appeal. Accordingly, this Court has allowed the said Writ petition. The operative portion of the order reads as follows:

"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



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.

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

5. In the light of the order passed by this Court in W.P. No.14713 of 2021 dated 04.08.2021, the 3rd respondent is directed to register and release the documents in Survey Nos.155/2 and 156 allotted to the members of V.S.N.L. housing society to the extent of 32.5 acres situated at Padianallur, Ponneri Taluk, Thiruvallur District, based on the representation dated 16.03.2021 filed by the petitioner herein. It is open to the petitioner to face any legal issues that might arise, if at all orders are passed in Writ Appeal, if delay is condoned.



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6. With the aforesaid directions, the present Writ petition is allowed. Consequently, connected miscellaneous petition is closed if any. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The District-Registrar,
North Chennai Registration District,
1st Floor, Kuralagam,
Chennai - 600 108.
3. The Sub-Registrar,
Red Hills, Thiruvallur District.

+1CC to M/s.Karan and Uday, Advocate, Sr.No.52121
+1CC to Mr.Government Pleader, Sr.No.52442

W.P. No.21298 of 2021

RSI (CO)
K.RK. (29.11.2021)