



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.24247 OF 2021

AND

W.M.P.NOS.25565, 25567 AND 25568 OF 2021

1. V.Mallikarjun

2. V.Babu

... Petitioners

.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 - 600 104.

3. The Sub-Registrar,
Redhills,
Thiruvallur District.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent pertaining to the Document No.110 of 2021 and 111 of 2021 (Release Deed was returned without registration dated 14.09.2021 & 26.08.2021 and quash the same and consequently for register the same by the third respondent.

For Petitioners : Mr.K.V.Ramesh

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

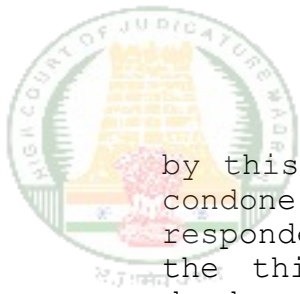


ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent pertaining to Document Nos.110 and 111 of 2021 (Release Deed was returned without registration, dated 14.09.2021 & 26.08.2021) and quash the same and consequently, to register the same by the third respondent.

2. The property is situated at Padiyanallur Village, Ponneri Taluk, Thiruvallur District. The said property was originally allotted to the petitioner's father by the Society and he was also issued with Patta in Patta No.3643. After his demise, the property devolved on his legal heirs viz., the petitioners and their mother. Their mother executed the release deeds in respect of her undivided share in favour her two sons and two release deeds were presented for registration before the third respondent. By the impugned order, both the release deeds were returned without registration for the reason that in respect of Patta Nos.3643 and 3712 for the property comprised in S.Nos.155 and 156 in C.M.P.Nos.878 and 879 of 2019 against the order passed in W.P.Nos.23739 and 23740 of 2014 are pending before this Court and only subject to the result of the said Petitions, the release deeds can be registered.

3. On a perusal of the records, it reveals that similarly placed person one V.Kaveri, who purchased the property, the sale deed was presented for registration. The said sale deed was kept pending and she filed a Writ Petition before this Court in W.P.No.14713 of 2021 for issuance of a mandamus directing the Sub Registrar, Redhills, Thiruvallur District to register and release the same. Further, it reveals that the subject properties under the said sale deed was originally conveyed to the Government of India and thereafter, the properties were allotted to Videsh Sanchar Nigam Limited and more particularly, later to Videsh Sanchar Nigam Employees Co-operatives Housing Society. It had plotted out into the house plots and sub-divided and had been further allotted to its various members. One among them, is the house plots purchased by her and the sale deed were presented for registration. In the meanwhile, the Writ Petitions were filed in W.P.Nos.23739 and 23740 of 2014 to cancel the pattas granted in favour of both Union Government of India and Videsh Sanchar Nigam Limited. Both the Writ Petitions were allowed, quashing the order of the State Government cancelling the pattas. However, this Court observed that the Government had not interfered with the conveyance of the land for consideration in favour of the Government of India. Aggrieved by the same, the Government had filed Writ Appeals before this Court with a delay in C.M.P.Nos.878 and 879 of 2019 and both are pending. Thus, it is clear that the cancellation of patta order had been quashed



by this Court and though the Writ Appeals were filed along with condone delay, there is no order restraining the third respondent to register any document under the said patta. Hence, the third respondent ought not to have returned the release deeds executed by the petitioners' mother in their favour in respect of the land under Patta No.3643. Therefore, the impugned orders are liable to be set aside.

4. In view of the above discussion, the impugned orders are hereby quashed. The petitioners are directed to re-present the release deeds in question for registration within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed register and release the same forthwith.

5. In the result, this Writ Petition is allowed as prayed for. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

kv

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 - 600 104.
3. The Sub-Registrar,
Redhills,
Thiruvallur District.

+2ccs to Mr.K.V.Ramesh, Advocate, S.R.No.58614
+1cc to the Special Government Pleader, S.R.No.59426

W.P.NO.24247 OF 2021

RP(CO)
PBS/06/12/2021