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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.19457/2020 & W.M.P.NO.24047/2020

[Video Conferencing]

N.Santhi

... Petitioner

Versus

1. The District Collector,
Tirupattur District.
2. The Sub Collector,
Tirupattur,
Tirupattur District.
3. The Sub Registrar,
Sub Registrar Office,
Natrampalli,
Tirupattur District.

4. K.Ravi

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 2nd respondent dated 26.02.2020 made in MC.No.152/2019 and consequential refusal check slip in Na.Ka.No.124/2020 dated 11.11.2020 issued by the 3rd respondent, quash the same and consequently direct the 3rd respondent to entertain, register the documents in respect to petitioner's lands in SF.No.206/3 Mukanur-Ottapatii Village, Natrampalli Taluk, Tirupattur District.

For Petitioner : Mr.R.Prabakar

For RR 1 to 3 : Mr.K.M.D.Muhilan
Government Advocate

For R4 : Mr.K.Prabhakaran



ORDER

1. The petitioner herein claims that she was assigned lands in SF.No.206/3 measuring an extent of 0.85.5 Hectares or 2.11 Acres by proceedings of the District Collector, Vellore dated 31.05.2004. The petitioner claims that she had also paid consideration to the Government to the tune of Rs.1,11,292/- and also other charges on 23.06.2004 towards regularization, regularising the said assignment. Thereafter, she claims to be in possession and enjoyment and she has also been granted patta in Patta No.1292.

2. There has been litigations with the third parties who were trying to interfere not only with the possession, but also with grant of assignment patta in favour of the petitioner. This led to various litigations being instituted earlier. One was WP.No.13979/2015 and the other was WP.No.10709/2020. In the meanwhile, a suit also came to be filed, but not with respect to S.No.206/3, but, with respect to an allied portion, which was also similarly assigned, in OS.No.105/2015, which is now pending on the file of the District Munsif Court, Tirupattur. That was with respect to SF.No.206/5, which is a different piece of land. The petitioner is not connected with that land. Quite apart from the various litigations referred to above, the 4th respondent appears to have approached the Sub Collector of Tirupattur, who had in turn, vide letter No.MC.152/2019 issued in the month of February, 2020 to the Sub Registrar, Natrampalli in Tirupattur District, had directed that no document presented with respect to SF.No.206/3 and 206/5 can be registered by the said official. With respect to SF.No.206/5, WP.No.10709/2020 came to be filed by the said assignee of the land, viz., Jeeva, in which the 4th respondent herein was also shown as the 4th respondent. A Learned Single Judge of this Court, vide order dated 17.08.2020, questioned the very rational of the Sub Collector in issuing such direction. As a matter of fact, it was stated that the Sub Collector does not have any authority over the Sub Registrar and has no authority to issue such a direction. The learned Judge had finally observed that the Sub Registrar has an obligation to receive a document presented for registration, provided necessary stamp duty has been paid and the person who presents the document, is prepared to pay necessary registration charges. By such order, the direction of the Sub Registrar in MC.No.152/2019 issued in February 2020 had been impliedly set aside. However, the Sub Registrar, Natrampalli, vide impugned order dated 11.11.2020 in Na.Ka.No.124/2020 again drew inspiration from the very same direction of the Sub Collector, in MC.No.152/2019 and had refused to register the Settlement Deed presented by the writ petitioner herein for SF.No.206/3. In the course of the order, the Sub Registrar also referred to OS.No.105/2015.



3. A glance at the schedule of the property in OS.No.105/2015 shows that it is only with respect to SF.No.206/5 and not with respect to SF.No.206/3 with which the petitioner is concerned. Even otherwise, the Sub Registrar should have taken note of the fact that the direction of the Sub Collector had been interfered with by this Court in WP.No.10709/2020 vide order dated 17.08.2020. Naturally, the order of the Sub Registrar will have to be interfered with.

4. It is interfered with and the same is quashed. A direction is issued to the Sub Registrar, Natrampalli, to receive the document presented by the petitioner herein provided, of course it is otherwise in order, thereby implying that necessary stamp duty has been paid and necessary registration charges are also agreed to be paid by the presenter of the document. The document may be presented by following appropriate procedure through online and on presentation of such document, a direction is issued to the Sub Registrar, Natrampalli to register the same within a week of such presentation, after satisfying himself/herself with respect to payment of necessary duty and charges and also thereafter, release the document to the writ petitioner.

5. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector,
Tirupattur District.
2. The Sub Collector,
Tirupattur,
Tirupattur District.
3. The Sub Registrar,
Sub Registrar Office,
Natrampalli,
Tirupattur District.



+1cc to Mr.R.Prabakar, Advocate, S.R.No.39617
+1cc to the Government Pleader, S.R.No.40413

W.P.NO.19457/2020

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CNR (CO)
PBS/06/09/2021