



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.18888 of 2020

A.C.Elangiam

...Petitioner

Vs.

- 1.The District Registrar
Office of the District Registrar,
Trichy - 620 001.
- 2.The Joint Sub Registrar No.3
Office of the Joint Sub Registrar No.3
Trichy - 620 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to register the document pertaining to the petitioner's property in T.S.Nos.11/1, 11/2 and 13/2 Ward F (A) Block No.47 Devadanam Village, Trichy Taluk (East) and District by considering the petitioner's representation dated 09.11.2020 without insisting for production of the original document No. 171/1988.

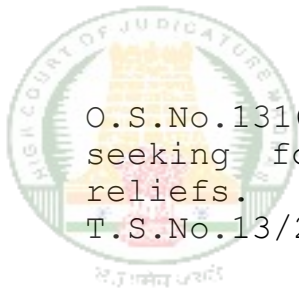
For Petitioner	: Mr.B.Jameel Arasu
For Respondents	: Mr.K.Sathyasingh
	Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to register documents pertaining to the subject properties situated at T.S.Nos.11/1, 11/2 and 13/2.

2. The case of the petitioner is that the subject property originally belonged to one Arockiasamy Pillai and the revenue records also stood in his name and he bequeathed the property in favour of his son through a registered 'Will'. This property was purchased by the petitioner by a registered sale deed, dated 22.10.1983.

3.The further case of the petitioner is that the properties situated at T.S.Nos.11/1, 11/2 and 11/3 was encroached by the Trichy Corporation and hence, the petitioner has filed a suit in



O.S.No.1316 of 2014 before the District Munsif Court, Trichy, seeking for the relief of declaration and other consequential reliefs. According to the petitioner, the property situated at T.S.No.13/2 is not even a subject matter of the said suit.

4.The grievance of the petitioner is that when the documents are presented before the second respondent for registration pertaining to the subject properties, the same is not being registered. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate direction.

5.The second respondent has filed a counter affidavit in this case. The relevant portions in the counter affidavit are extracted hereunder :

"5.This respondent denies the averments of the petitioner made in para 7 of the affidavit and respectfully submit that the petitioner has not presented the alleged sale deed for registration before this respondent. The petitioner admitted that an extent of 540 sq.ft. comprised in T.S.No.11/3 is encroached by the local body viz., Corporation of Trichy. On perusal of the TSLR it is found that T.S.No.11/1, 11/2, 13/1, 13/2, 13/3 and 13/5 is shown as Government Wet Lands. The petitioner has filed suit in O.S.No.1316 of 2014 on the file of the District Munsif Court at Trichy claiming rights in the encroachment by Corporation of Chennai, Section 22-A of the Registration Act prohibits the registration of lands that belonged to Government and local bodies. Hence, the contention of the petitioner is not tenable.

6.Apropos to the averments made in para 8 of the affidavit it is respectfully submitted that in response to the petitioner's representation dated 09.11.2020, she has been informed in this respondent's Letter No.562/2020 dated 13.11,2020 that any sale deed is presented for registration pertaining to survey numbers in question, the same will be admitted only if the decree is passed in favour of the petitioner in the pending suit in O.S.No.1316 of 2014. Section 22-A of the Registration Act prohibits the registering officers from entertaining registration of the properties that belonged to Government, local body, said and HR 7 CE. Hence, the contention of the petitioner sans merit and the same may be dismissed."

6. Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mr.K.Sathyasingh, learned Additional Government Pleader appearing on behalf of the respondents.

<https://hcservices.ecourts.gov.in/fchse-1> learned counsel for the petitioner submitted that the



second respondent has taken a categorical stand in the counter affidavit to the effect that the properties situated at T.S.Nos.11/1, 11/2 and 11/3 are in possession of the Trichy Corporation and there is a pending suit and therefore the documents pertaining to those properties will not be registered. The learned counsel therefore submitted that the second respondent can at least be directed to entertain the documents pertaining to the property situated at T.S.No.13/2. The petitioner will wait for the result of the completion of the suit insofar as the other properties are concerned.

8.The learned Additional Government Pleader appearing on behalf of the respondents submitted that the property situated at T.S.No.13/2 is also a Government land and therefore the second respondent was not in a position to register any of the documents. In reply to the submissions, the learned counsel for the petitioner brought to the notice of this Court the Town Survey Lands Register and pointed out the name of the Arockiasamy Pillai, who is the father of the vendor of the petitioner. The learned counsel submitted that the second respondent has not properly applied his mind before coming to a conclusion not to entertain the documents pertaining to T.S.No.13/2.

9.This Court deems it fit to direct the second respondent to consider the claim made by the petitioner only insofar as the T.S.No.13/2 is concerned. The petitioner is in possession of certain documents through which he is claiming right over the property. The second respondent can consider the same and thereafter take a decision in accordance with law.

10.In view of the above, this Writ Petition is disposed of with a direction to the petitioner to make a fresh representation to the second respondent along with the documents pertaining to the property situated at T.S.No.13/2. The second respondent shall consider the same on its own merits and in accordance with law and take a decision with regard to registration of the documents insofar as this survey number is concerned. The decision shall be taken within a period of four weeks from the date of submission of the representation and the documents by the petitioner.

11. This Writ Petition stands disposed of with the above directions. No costs.

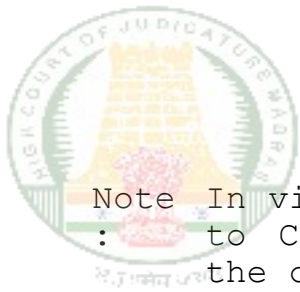
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Rm

To

- 1.The District Registrar
Office of the District Registrar,
Trichy - 620 001.
 - 2.The Joint Sub Registrar No.3
Office of the Joint Sub Registrar No.3
Trichy - 620 002.
- +1 CC to M/s.AGP (SR-15979[F] dated 16/04/2021)

W.P. (MD) .No.18888 of 2020
15.04.2021

GS (28.04.2021) 4P 4C