



W.P.No.22201 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.22201 of 2013

and

W.M.P.No.1 of 2013

N.Rajendran

. . . Petitioner

Vs.

1. The Inspector General of Registration,
Santhome,
Chennai-600 028.

2. The District Registrar,
(in the cadre of
Asst. Inspector of General of Registration)
Salem (East)
Salem.

3. The Sub-Registrar,
Attur,
Salem District.

4. The Land Acquisition Officer/
Special Tahsildar (Adi-Dravidar Welfare)
Attur,
Salem District.

. . . Respondents



W.P.No.22201 of 2013

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Letter No.61865/C1/2012 dt.28.03.2013 on the file of the 1st Respondent and direct the 3rd Respondent to register documents relating to Survey No.335/7, Mulluvadi village, Attur Town and Taluk, Salem District, within the limit of Attur Municipality.

For Petitioner : Mr. N.Naganathan

For Respondents : Mr.G.Krishna Raja,

Additional Government Pleader

ORDER

The present petition has been filed seeking to quash the impugned order dated 28.03.2013 passed by the 1st Respondent and direct the 3rd Respondent to register documents relating to Survey No.335/7, Mulluvadi village, Attur Town and Taluk, Salem District, within the limit of Attur Municipality.

2. It is the case of the petitioner that the subject property of this Writ Petition, was originally purchased by one Pavaayi Ammal from one



W.P.No.22201 of 2013

Arunthava Ammal vide the sale deed dated 17.12.1959 and said Pavaayi had executed a Power of Attorney in respect of one Gurusamy. As the General Power of Attorney, said Gurusamy had formed housing plots in the said property and sold it to various purchasers including the petitioner. Having purchased the above said property from Gurusamy, vide separate sale deeds dated 25.03.1982, 25.02.1982, 25.02.1982 and 20.03.1982 for a valuable sale consideration, the petitioner has become the absolute owner of the property and he is in possession and enjoyment of the same. The petitioner has executed a General Power of Attorney in favour of one S.Sebasthiammal, based on which, said Sebasthiammal had entered into a Sale Agreement in respect of the subject property with one Mary Pushpam represented by her Power of Attorney Agent T.Sebastian. While being so, the petitioner made a representation dated 17.12.2012 to the 3rd respondent, requesting to register the documents pertaining to the above said property, since the same was not considered, he made a representation to Respondents 1 & 2, requesting to register the documents relating to the subject property, however, the 1st respondent vide his impugned order dated 28.03.2013, had rejected the petitioner's request, on the ground that the said property has



W.P.No.22201 of 2013

already been acquired by the 4th Respondent through Private Negotiations with the actual owners of the subject property. Challenging the same, the petitioner has come up with the present petition.

3. Learned counsel for the petitioner submits that though it is alleged that the said lands were acquired, however, the petitioner, who is the absolute owner of the property, was not issued with any notice with regard to the Acquisition, which clearly reveals that the procedure contemplated under the Act has not been followed during the Acquisition. Hence, he prays for allowing the Writ Petition.

4. On the above contentions, this Court, heard the Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. Even a perusal of the representation of the petitioner reveals that without obtaining NOC from the Tasildar, the lands were barred from being registered, as the said lands are acquired for the purpose of Harijan Welfare



W.P.No.22201 of 2013

Scheme. However, there is no material available on record to show that any such communication with regard to grant of NOC by the Tahsildar has been issued by the 2nd Respondent. Further, the impugned order of the 1st respondent reveals that the lands have been acquired for Harijan Welfare Scheme. Such being the stand of the 1st Respondent, the lands having been acquired for Harijan Welfare Scheme, without challenging the said acquisition process, the petitioner cannot seek a direction to the respondents to register the lands. Therefore, the present prayer of the petitioner cannot be acceded to.

6. For the reasons aforesaid, this Writ Petition is devoid on merits and the same is dismissed accordingly. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. No Costs. Consequently, the connected Miscellaneous Petition is closed.

13.07.2022

NHS

Index : Yes / No

Internet : Yes / No

5/7



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W.P.No.22201 of 2013

M.DHANDAPANI, J.

NHS

To

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