



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.32798 & 32799 of 2012

M.Anandan ...Petitioner in W.P.No.32798 of 2012

M.P.Suresh ...Petitioner in W.P.No.32799 of 2012

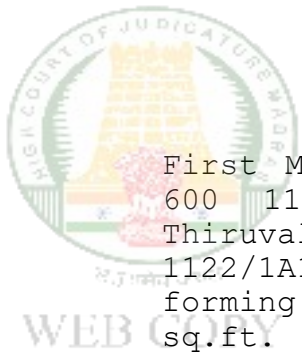
Vs.

1. The Sub-Registrar,
Office of the Sub Registrar,
Madhavaram, Chennai - 600 110.
2. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai - 600 004.

... Respondents in both WPs

Prayer in W.P.No.32798 of 2012: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the notice/order dated 08.05.2012, issued by the first respondent and quash the same and also directing the first respondent to register the document namely the Sale Deed dated 07.12.2011, presented for registration in respect of the Vacant house site bearing Plot No.12 & 13 Part in "Chandraprabhu Colony" First Main Road, Ponnammanmedu, Madhavaram Village, Chennai - 600 110, previously Ambattur Taluk now Madhavaram Taluk, Thiruvallur District comprised in Survey Nos.1122 & 1123 now 1122/1A1A1B1 as per Patta No.7371 of 1999 of Madhavaram Village forming part of Chandraprabhu Colony Layout, measuring 896 sq.ft.

Prayer in W.P.No.32799 of 2012: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the notice/order dated 08.05.2012, issued by the first respondent and quash the same and also directing the first respondent to register the document namely the Sale Deed dated 07.12.2011, presented for registration in respect of the Vacant house site bearing Plot No.5 & 6 Part in "Chandraprabhu Colony"



First Main Road, Ponniyammanmedu, Madhavaram Village, Chennai - 600 110, previously Ambattur Taluk now Madhavaram Taluk, Thiruvallur District comprised in Survey Nos.1122 & 1123 now 1122/1A1A1B1 as per Patta No.7371 of 1999 of Madhavaram Village forming part of Chandraprabhu Colony Layout, measuring 1188 sq.ft.

For Petitioners : Mr.R.Manickavel
(in both WPs)

For Respondents : Mr.Yogesh Kannadasan Spl.GP
(in both WPs)

C O M M O N O R D E R

As the issue involved in both the Writ petitions is one and the same, they are disposed by way of this common order.

2. These Writ Petitions have been filed by the petitioners seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the notice dated 08.05.2012, issued by the 1st respondent, quash the same and also direct the first respondent to register the Sale Deed dated 07.12.2011, in respect of the Vacant house sites bearing Plot Nos.12 & 13 Part, measuring 896 sq.ft., and Plot Nos.5 & 6 Part, measuring 1188 sq.ft. comprised in Survey Nos.1122 & 1123, now 1122/1A1A1B1, situated at "Chandraprabhu Colony" First Main Road, Ponniyammanmed Plot Nos.12 & 13 Part, measuring 896 sq.ft., and Plot Nos.5 & 6 Part, measuring 1188 sq.ft., Madhavaram Village, Chennai-600 110, Madhavaram Taluk, Thiruvallur District.

3. The case of the petitioners is that, Plot Nos.12 & 13 Part, measuring 896 sq.ft., and Plot Nos.5 & 6 Part, measuring 1188 sq.ft., comprised in Survey Nos.1122 & 1123 now 1122/1A1A1B1, were originally owned by one Roy Chand Sowcar and after his demise, the said property had gone through the hands of many persons and finally stood conveyed in favour of one Michael and he is the absolute owner and is in peaceful possession and enjoyment of the said properties. Thereafter, the petitioners, with an intention to purchase the said properties, prepared the Sale Deeds and presented the same before the 1st respondent for registration on 07.12.2011, however, the same were kept pending in Pending Nos.474 & 475 of 2011 respectively. Later, the 1st respondent sent a letter dated 09.01.2012 in Letter No.16 of 2012 to the Tashildar, Madhavaram, Chennai-600 060, seeking information in respect of classification of the above said lands. Pursuant to the said letter, the Tashildar, Madhavaram sent a reply letter dated 20.03.2012, stating that the land in Survey No.1122/1A1A is a Government Land and the Survey No.1123 is "Odai" as per the Revenue records. Hence,



based on the letter dated 20.03.2012, the 1st respondent refused to register the Sale Deed, as the disputed properties are classified as Government Land and Odai, situated in Kalvai and passed the present impugned order dated 08.05.2012 and returned the pending documents. Challenging the same, the present Writ petitions are filed.

4. The learned counsel for the petitioners submitted that, the above disputed lands are classified as "Natham Land" and Ryotwari patta was also issued in favour of their vendor. However, without considering the same, the Tashildar has mechanically sent a letter dated 20.03.2012, stating that the said lands are Government lands and situated in Odai, by pointing out the different lands and based on the said letter, the 1st respondent has refused to register the Sale Deeds and returned the same and passed the present impugned orders dated 08.05.2012. Hence, he prays this Court may set aside the impugned orders passed by the 1st respondent and consequently direct the 1st respondent to register the Sale deeds dated 07.12.2011.

5. The learned Special Government Pleader appearing on behalf of the respondents submitted that, as against the order passed by the 1st respondent, there is Appeal remedy available before the Appellate Authority and without availing the said remedy, the petitioners have filed these Writ petitions, which is not sustainable. Hence, he prayed for dismissal of the Writ petitions.

6. Heard the arguments advanced by the learned counsel on either side and perused the materials available on record.

7. This Court perused the impugned orders dated 08.05.2012 passed by the 1st respondent and on a perusal of the said orders, it reveals that, admittedly, the petitioners presented the Sale deeds before the 1st respondent along with the necessary documents, and the same was returned on the ground that the disputed lands are situated in "Kalgai" and they are Government lands. However, it is pertinent to note that, as against the impugned orders dated 08.05.2012, passed by the 1st respondent, there is an effective remedy available before the District Registrar Administration, and, without exhausting the said remedy, filing these writ petitions is not sustainable. Hence, the prayers sought for by the petitioners cannot be acceded to.

8. Accordingly, these Writ petitions are disposed of, with a liberty to the petitioners to file appropriate Appeal before the Appellate Authority / District Registrar (Administration) along with a copy of this order within a period of eight weeks from the date of receipt of a copy of this order and on filing such



Appeal, the Appellate Authority shall consider the same on merits and pass appropriate orders in accordance with law within a period of four weeks thereafter. No costs.

WEB COPY

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

skt

To

- 1.The Sub-Registrar,
Office of the Sub Registrar,
Madhavaram, Chennai - 600 110.
- 2.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai - 600 004.

+1cc to the Government Pleader, S.R.No.14640

W.P.Nos.32798 & 32799 of 2012

MT (CO)
SB(21/04/2022)