



WEB COPY



W.P.No.24088 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29/11/2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**Writ Petition No.24088 of 2014**

J. Mangalakshmi

...

Petitioner

Vs

The Sub-Registrar  
Ulundurpet 606 107.

...

Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the respondent to entertain the document in respect of the property of the petitioner admeasuring 2244 sq.ft vacant land in S.No.92/44, U.Keeranur Village, Ulundurpet Taluk and register the same after collecting the appropriate stamp duty and other fees and release the document.

For petitioner

...

Mr.D.Ravindranathan

For respondent

...

Mr.P.Sathish  
Additional Government Pleader

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**ORDER**



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This writ petition has been filed to direct the respondent to entertain the document in respect of the property of the petitioner, admeasuring 2244 sq.ft vacant land, in S.No.92/44, U.Keeranur Village, Ulundurpet Taluk and register the same after collecting the appropriate stamp duty and other fees and release the document.

2. It is the case of the petitioner that she had purchased a vacant house site admeasuring 2244 sq.ft (33 x 68) in S.No.92/44 (New S.N.517) at U. Keeranur Village, Ulundurpet Taluk, Cuddalore District from Mr.Sethuraman and others on 23/7/1999, for a sale consideration of Rs.60,000/- and the same was registered as Document No.1058/1999 in the office of the respondent. After purchase, when the petitioner had tried to sell the property, the respondent had refused to register the document and passed the impugned order. Therefore, to quash the same, the petitioner has come forward with the instant writ petition.

3. In the counter affidavit, it is stated by the respondent that the land specified in S.No.92/44 was classified as Government/poramboke land and therefore, it is not possible to furnish the guideline value and



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further, as per the Circular, dated 25/4/2012, in their letter No.18339/C1/2012, guideline value could not be registered.

4. Heard Mr.D.Ravindranathan, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the respondent.

5. The learned counsel appearing for the petitioner submitted that the property in question is a separate property and she had purchased in the year 1999. When B-Memo was issued in respect of the above property, appeal was filed before the District Revenue Officer. Even though, the District Revenue Officer, set aside the order of the Tahsildar, revenue records have not been challenged. However, the Tahsildar has given a certificate to the effect that no objection for sale of the property. Certificate is also appended in the typed set.

6. Whereas the learned counsel appearing for the respondent submitted that if relevant documents are produced before the Registrar,



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they will register the document, as per the Circular, issued by the IG of Registration, dated 25/4/2012.

7. I have perused the entire materials available on record, particularly, the Proceeding, dated 5/5/1982 of the District Revenue Officer.

8. Appeal was filed against the order of the Revenue Divisional Officer, Tirukoilur, passed in D.Dis.22951/80 dated 10/6/1981, rejecting his request for the deletion of B-Memo under the land encroachment. In the appeal itself it was held that land in question was purchased in the year 1915 and was continuously in possession and treated as private property. Civil Court has also confirmed the title of the parties in O.S.No.316 of 1963, dated 10/10/1964. On appeal to the District Judge, decree of the District Munsif was upheld in A.S.No.607 of 1964, dated 25/10/1965.

9. When the revenue proceeding itself clearly indicate that the property is a private property and not the Government land merely because some entries appear to have been found, the same cannot be a ground to



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refusal to register the document. It is relevant to note that on 9/5/2013, Zonal Deputy Tahsildar has issued a certificate that the Revenue Department has no objection for the sale of property in S.No.92/44.

10. In such a view of the matter, the petitioner is directed to produce all the documents, viz., Proceedings of the District Revenue Officer, certificate issued by the Zonal Deputy Tahsildar, dated 9/5/2013 before the Registrar for registering the document. On production of such documents, respondent is directed to register the property, since it is a private property not Government land, as found in the Proceeding of the District Revenue Officer.

11. With the above direction, this **writ petition is disposed of**. No costs.

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Index : Yes/No  
Internet : Yes/No

mvs.

N.SATHISH KUMAR,J

mvs.



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