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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28342 of 2021
and W.M.P.No.29922 of 2021

A.Selvaraj,
Represented by his Power Agent A.Anthony Muthu. ... Petitioner

-Vs-

1. The Principal Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai 600009.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram, Chennai 600028.
3. The Director,
Directorate of Vigilance and Anti - Corruption,
No.293, MKN Road, Alandur, Chennai 600016.
4. The Sub Registrar,
Ambattur, Chennai 600053.
5. Mrs. A.Meenakshi,
Sub Registrar, Pammal,
Thiruneemalai Main Road,
Pammal, Chennai 600075.
6. V.Dhanasekar
7. A.Balumahendran
8. S.Preethi ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider and pass orders on the petitioner's representation dated 22.02.2021 after issuing notice to the concerned parties and take appropriate



action against the respondents 5 to 8 within a time limit to be stipulated by this Hon'ble Court.

For Petitioner : Mr.P.Mohanraj

For R1, R2

and R4

: Mr.Yogesh Kannadasan

Special Government Pleader

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ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider and pass orders on the petitioner's representation dated 22.02.2021 after issuing notice to the concerned parties and take appropriate action against the respondents 5 to 8 within a time limit to be stipulated by this Hon'ble Court.

2. Heard Mr.P.Mohanraj, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader, appearing for the respondents 1, 2 and 4.

3. The petitioner's principal entered into an agreement for sale with the sixth respondent herein on 30.04.2015 to purchase the property comprised in Survey No.71/10 to an extent of 1176 sq.ft. bearing Plot Nos.11B and 11C situated at Janakiraman Nagar, Puthagaram Village, Madhavaram Taluk, Thiruvallur District. As per the said agreement, the sixth respondent agreed to clear the Urban Land Ceiling proceedings and obtain patta and produce the same to the petitioner's principal before registration of sale deed. The subject property is covered under the Urban Land Ceiling proceedings and the sixth respondent made an application to regularize the subject property as per G.O.No.649, Revenue Department, dated 29.07.1998 and G.O.No.565, Revenue Department, dated 26.09.2008 before the Assistant Commissioner, Urban Land Tax, Poonamallee / Ambattur, Chennai-600056.

4. In the meanwhile, the sixth respondent executed a Power of Attorney in favour of the seventh respondent herein in respect of the subject property. Thereafter, the subject property was sold out in favour of the eighth respondent herein through the seventh respondent by the sale deed dated 11.01.2021, registered vide Document No.409 of 2021. According to the petitioner, there is a complete ban on registration of lands covered under the Urban Land Ceiling and as such the petitioner's principal submitted a representation on 22.02.2021 to the respondents 1 to 3 herein to take appropriate action as against the respondents 5 to 8.



5. Thereafter, it was not considered and as such the petitioner filed this writ petition. Admittedly, the petitioner's principal is only an agreement holder with the sixth respondent and as such he cannot challenge the sale deed by way of representation before the registering authorities for the reason that the subject land is covered under the Urban Land Ceiling proceedings. The entire dispute between the petitioner and the respondents 5 to 8 is civil in nature and the present writ petition is not at all maintainable and it is liable to be dismissed.

6. The petitioner is always at liberty to approach the Civil Court for appropriate relief as against the respondents 5 to 8 herein.

7. In view of the above, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mn/sha

To

1. The Principal Secretary to the Government,
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Directorate of Vigilance and Anti - Corruption,
No.293, MKN Road, Alandur, Chennai 600016.
4. The Sub Registrar,
Ambattur, Chennai 600053.

+1cc to Mr.P.Mohanraj, Advocate, S.R.No.811
+1cc to the Government Pleader, S.R.No.1087

W.P.No.28342 of 2021
& W.M.P.No. 29922 of 2021

GPL(CO)
CB(01/02/2022)