



W.P(MD)No.8725 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8725 of 2015

P.Murugesan

... Petitioner

Vs

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai.
- 2.The Sub Registrar,
Joint I Registrar Office,
Near New Bus Stand,
Thoothukudi.
- 3.The Executive Engineer (Administration),
Tamil Nadu Housing Board,
Tirunelveli Division,
Kamarajar Salai,
Anbu Nagar,
Tirunelveli – 627 011.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in number 752/2015 dated 10.02.2015 and quash the same as devoid of merits and consequently direct the respondents to register the



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document of sale deed submitted by the petitioner dated 06.02.2015 within the time stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 & R.2

Mr.S.Velmurugan for R.3

ORDER

Heard the learned counsel on either side.

2. The petitioner purchased the petition mentioned plot from one Vishwanathan in the year 2007. It was presented for registration. The Sub Registrar declined to register the document. He instead issued the impugned refusal check slip by pointing out that the land had already been handed over to the Tamil Nadu Housing Board. Challenging the stand of the registering authority, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the property was acquired by invoking the provisions of the Land Acquisition Act,



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1894 and award was also passed on 06.11.1992. Copy of the award on 06.11.1992 has been produced for my perusal. It is seen that compensation for acquiring the petition mentioned land which formed part of a larger extent was paid to one Pappathiammal. The said Pappathiammal was the wife of Kasinathan. The said Kasinathan is none other than the father of Vishwanathan / the petitioner's vendor. It is obvious that the petitioner has been cheated. After the land had been acquired by the Government, the legal heir of the erstwhile land owner had chosen to sell it to the petitioner. The petitioner is entitled to proceed against his vendor. The impugned refusal check slip is sustained.

4. This writ petition stands dismissed. There shall be no order as to costs.

29.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Inspector General of Registration,
Santhome High Road,
Chennai.



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G.R.SWAMINATHAN, J.

MGA

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