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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE **N. SATHISH KUMAR**

W.P. No.11945 of 2024

V.Palaniammal . . Petitioner

Vs

1.The District Registrar (Admin)
District Registrar Office
Coimbatore District

2.The Sub Registrar
Sub Registrar Office
Pelamedu, Coimbatore District. . .Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 2nd respondent to register the order passed by the Commissioner, Urban Land Ceiling and Urban Land Tax, Chennai in Rc. No.3663/2019/J3 dated 27.09.2019 related to the petitioner case and issue documents within a stipulated period.

For Petitioner : Mr.M.Loganathan

For Respondents : Mr.R.Ramanlal, Addl. Advocate General
Assisted by
Mr.Yogesh Kannadasan, Spl. GP for R1&R2

ORDER

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This writ petition has been filed for a direction to the 2nd respondent to register the order passed by the Commissioner, Urban Land Ceiling and Urban Land Tax, Chennai in Rc. No.3663/2019/J3 dated 27.09.2019 related to the petitioner case and issue documents.

2. It is the case of the writ petitioner that when he presented civil court plaint copy in O.S. No.117 of 2018 and the order passed in W.P. No.14413 of 2019 dated 16.05.2019 along with the endorsement made by the Urban Land Tax authorities, the registering authority has not registered the endorsement passed under the Urban Land Tax Act. It is the further case of the writ petitioner that he has entered into a sale agreement on 19.06.2012 with one Kumaraswamy, who is the power agent of the original owner, namely Vijayammal. According to him, he is in possession of the property. In the meanwhile, the third parties are trying to grab the property based on the false settlement deed executed in Doc. No.3814/1978 dated 24.11.78 by suppressing the will executed by the original owner Vijayammal as early as 18.11.1978. Hence the petitioner filed O.S. No.825 of 2017 for injunction. The plaint was rejected. However in the second appeal, the same has been remanded and hence

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she seeks a direction .

3. At the outset, this court is of the view that the petitioner claims to be the agreement holder from the power agent and tried to achieve indirectly what he could not do it directly. When the agreement has not even put into enforcement all these years, now as a matter of right, the petitioner seeks entries to be registered. According to the learned counsel appearing for the petitioner, the authorities are bound to register the document. Any government endorsement and order which has not been a decree or order of the court which creates or extinguishes any right need not be registered at all. Only the document which tends to create or extinguish any right or even to get right in future only those orders could be registered and not every government order. In such view of the matter, merely on the basis of the agreement holder, one person cannot lay litigation in a writ petition to espouse his cause. Now it is also a stated during the arguments that the original owner has died long back and the fight is between the power agent and the subsequent parties through the power agent. Since the parties claiming right on the basis of the agreement, till now no suit is filed for specific performance all these days. According to the learned counsel appearing for the petitioner, original owner has no legal heir and in the event there is no second class legal heir, it is better in the interest of justice let

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the government be made as a party in the pending suit. If the government get impleaded themselves in the pending suit with a notice to the petitioner.

4. The writ petition is dismissed with the above observations. However, there is no order as to costs.

29.04.2024

Index : Yes / No
Speaking/non speaking order
Neutral Citation : Yes/No
Asr

To

1.The District Registrar (Admin)
District Registrar Office
Coimbatore District

2.The Sub Registrar
Sub Registrar Office
Pelamedu, Coimbatore District.

3.The Government Pleader
High Court, Madras

N. SATHISH KUMAR, J.

Asr

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