



W.P.No.12238 of 2020

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.12238 of 2020

J.Sasikala

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Competent Authority/Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Collectorate Complex,
Coimbatore – 641 018.

3.The Thasildar,
Coimbatore North Taluk,
Coimbatore – 641 018.

4.The Sub-Registrar,
Gandhipuram, Coimbatore – 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent by proceedings in Refusal No.RFL/Gandhipuram/21/2020 dated 14.08.2020 and quash the same and consequently direct the fourth respondent to forthwith register the Sale Deed dated dated 20.07.2020 with



W.P.No.12238 of 2020

respect to the land bearing Plot No.93 to an extent of 2200 sq.ft. comprised in SF.Nos.31/4, 43/4 and 43/5 situated at Chinnavedampatti Village, Coimbatore.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents :
For R1 to R3 : Mr.K.Suresh
Government Advocate

For R4 : Mr.P.Anandakumar
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a certiorarified mandamus, to call for the records of the fourth respondent by proceedings in Refusal No.RFL/Gandhipuram/21/2020 dated 14.08.2020 and quash the same and consequently direct the fourth respondent to forthwith register the Sale Deed dated dated 20.07.2020 with respect to the land bearing Plot No.93 to an extent of 2200 sq.ft., comprised in SF.Nos.31/4, 43/4 and 43/5 situated at Chinnavedampatti Village, Coimbatore Taluk, Coimbatore District.

2. The brief facts of the case are as follows:-

2.1. One Mrs.N.Rajeshwari, the petitioner's vendor and her husband Mr.C.Mahalingam purchased the subject land from one R.Arumugam, by virtue of a Sale Deed dated 13.05.1996 bearing Doc.No.2798/1996 registered in the



W.P.No.12238 of 2020

Sub Registrar Office, Gandhipuram, Coimbatore District. The said C.Mahalingam died on 23.01.2005 and his legal heirs sold the subject land to the petitioner through Sale Deed dated 20.07.2020, which was refused to register by the fourth respondent by proceedings in Refusal Check Slip No.RFL/Gandhipuram/21/2020 dated 14.08.2020.

2.2. The land comprised in SF.Nos.31/2, 31/3, 31/4, 43/3, 43/4 and 43/5 situated at Chinnavedampatti Village, Coimbatore Taluk, Coimbatore District, originally belonged to one Kandasamy Gounder and eleven others. The original owners N.Kandasamy Gounder and eleven others executed several Sale Deeds in favour of different persons. Under Registered Document dated 20.04.1987 vide Doc.No.1583/87, out of total extent of 2.87 Acres of land comprised in SF.Nos.31/4, 43/4 and 43/5, an extent of 0.70 Acres was sold by the original owners in favour of one K.Moithu. Similarly, under Registered Document dated 20.04.1987 vide Doc.No.1582/87, out of total extent of 5.67 Acres of land comprised in SF.Nos.31/2, 31/3, 31/4, 43/3, 43/4 and 43/5, an extent of 70 Cents was sold by the original owners in favour of one A.Amsa. Further, out of total extent of 4.95 Acres of land comprised in SF.Nos.31/2, 31/3, 31/4, 43/3, 43/4 and 43/5, an extent of 70 Cents was sold by the original owners in favour



W.P.No.12238 of 2020

of one V.Bashir, vide another Registered Sale Deed dated 20.04.1987 bearing Registered Doc.No.1579/87. The original owners also executed several Sale Deeds in respect of remaining extent of the land, of which, the petitioner has no knowledge.

2.3. In respect of the land comprised in SF.Nos.31/1, 31/3 and 31/4, approval for formation of the layout was granted by proceedings in LP.No.298/86 dated 31.10.1986 by the DTP in LP/R(CPN) No.332/86. The approval of layout formed in SF.Nos.43/4, 43/5 and 43/7 in other Survey Numbers are pending consideration before the competent authorities. Several persons have purchased individual plots measuring between 3 and 7 cents in the above said survey numbers and have also constructed many residential houses, popularly known as Murugan Nagar. While this being so, it was informed by the Office of the second respondent that the lands comprised in SF.No.31/4 measuring to an extent of 0.87.0 hectares and SF.No.43/5B measuring to an extent of 0.14.5 hectares have vested with the Government under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978.



W.P.No.12238 of 2020

2.4. The acquisition proceedings initiated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 was challenged by Murugan Nagar Makkal Pothunala Sangam, a registered Society in W.P.No.16610 of 1999. This Court by order dated 02.09.2003 allowed the writ petition by holding that since the possession has not been taken the proceedings under the said Act were abated in the light of the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999. Despite succeeding the writ petition, the documents for registration were not accepted and the second respondent refused to issue Patta to the respective owners of the Murugan Nagar. Hence, the said Society filed another W.P.No.17611 of 2012, seeking direction to the second and third respondents to delete the wrong entry pertaining to the said land as “Government Surplus Lands” and restore the status of the said lands as free hold and also issue Patta in respect of their lands. By order dated 12.02.2018, the writ petition was allowed by this Court with the direction as prayed for and to be complied by the respondents therein within a period of twelve weeks from the date of receipt of the order.

2.5. Aggrieved by the said order, the second and third respondents herein have filed W.A.SR.No.146006 of 2019 along with condone delay petition in



W.P.No.12238 of 2020

C.M.P.No.26028 of 2019 and notice was ordered on 12.03.2020. The fourth respondent failed to see that the acquisition proceedings initiated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, had been quashed as early as 02.09.2003 itself by this Court. Thereafter, a further order dated 12.02.2018 had been passed by this Court in W.P.No.17611 of 2012, to delete the entry as “Government Surplus Lands” and at present, there is no legal impediment to register the lands comprised in the above said survey numbers. In the appeal filed by the second and third respondents is in condone delay stage and to the petitioner's knowledge, no interim order has been granted. Hence, the act of the fourth respondent in refusing to register the Sale Deed is clearly *mala fide*, unwarranted and excessive. The fourth respondent is indulging in unjustifiable action without any legal sanctity. The order of the of the fourth respondent amounts denial and deprivation of the petitioner's legal rights. Hence, the impugned order of the fourth respondent dated 14.08.2020 is *per se* illegal and liable to be set aside. Challenging the Refusal Check Slip dated 14.08.2020 issued by the fourth respondent, the petitioner has approached this Court by way of filing the present writ petition.



3. Learned counsel appearing for the petitioner submitted that in the Refusal Check Slip issued by the fourth respondent, it is stated that the land belongs to the Government. He further submitted that the urban land proceedings were quashed by this Court.

4. A Counter Affidavit is filed by the second respondent and the relevant paragraphs reads as under:-

“5. With regard to the averments contained in paragraphs-7 to 9 of the affidavit, it is submitted that after completion of acquisition proceedings, an extent of 11650 sq.mts., was acquired and the possession of the land handed over to revenue authorities on 08.06.1999 and it was saved under section 3(1)(a) of the Repeal Act, 20/1999. The purchasers of the said acquired land formed an Association namely Tvl.Murugan Nagar Makkal Pothunala Sangam and filed writ petition in W.P.No.16610 of 1999 against the acquisition proceedings which was allowed by the Hon'ble High Court in its order dated 02.09.2003 in view of benefitting the repealing Act. Against the said High Court order the Writ Appeal filed by the Government, the Division Bench of Hon'ble High Court was dismissed in WA.SR.No.53341 of 2013 in its order dated 21.08.2013 due to enormous delay of filing appeal. Against the said order, the Government have filed Review Application in R.A.S.R.No.73250 of 2020 in the High Court of Madras and the same is pending. In the meanwhile, the purchasers jointly filed another writ petition in W.P.No.17611 of 2012 which was allowed by the Hon'ble High Court in its order dated 12.02.2018. The writ appeal was filed by the Government and assigned W.A.S.R.No.146006 of 2019 and C.M.P.No.26028 of 2019 and the same are pending.



Hence, the contention of the petitioner is not acceptable.

WEB COPY

6. With regard to the averments contained in grounds- (a) to (f) in paragraph-10 of the affidavit, it is submitted that the possession of the acquired was handed over to revenue authorities on 08.06.1999 and necessary changes were also carried out in revenue records. The said acquired land was Government land and saved under Section 3(1)(a) of the Repeal Act, 20/99. Against the Hon'ble High Court order in W.P.No.16610 of 1999 and W.P.No.17611 of 2012 filed by the purchasers, Review Application and Writ Appeal filed by the Government are pending in the High Court respectively. Hence, the 4th respondent refused to register the petitioner's purchase is correct."

5. From the above Counter Affidavit, it is clear and evident that the urban land proceedings has been quashed by this Court in its order dated 02.09.2003 in W.P.No.16610 of 1999. Against the said order, a writ appeal was filed by the Government along with C.M.P.No.26028 of 2019, to condone the enormous delay in preferring the appeal vide W.A.SR.No.53341 of 2013 and the same was dismissed by the Division Bench of this Court by order dated 21.08.2013 and no Special Leave Petition (SLP) has been preferred by the Government before the Hon'ble Supreme Court of India. Thereafter, R.A.SR.No.73250 of 2020 has been filed by the State and till date, the same is not yet numbered. Hence, the Writ Appeal order attained finality, the Refusal Check Slip bearing No.RFL/Gandhipuram/21/2020 issued by the fourth respondent dated



W.P.No.12238 of 2020

14.08.2020 is hereby quashed.

WEB COPY

6. In view of the above, the following order is passed:-

- i. The petitioner is directed to present the documents before the fourth respondent afresh for registration within a period of four weeks from the date of receipt of a copy of this order.
- ii. On receipt of the same, the fourth respondent is directed to register the documents if otherwise in order, within a period of four weeks thereafter and also follow the due procedure as contemplated in the Tamil Nadu Registration Act, 1908.

7. This Writ Petition is disposed of with the above observations and directions. No costs.

02.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

arb



WEB COPY



W.P.No.12238 of 2020

To

- 1.The District Collector,
Coimbatore District,
Coimbatore.
- 2.The Competent Authority/Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Collectorate Complex,
Coimbatore – 641 018.
- 3.The Thasildar,
Coimbatore North Taluk,
Coimbatore – 641 018.
- 4.The Sub-Registrar,
Gandhipuram, Coimbatore – 641 018.



WEB COPY



W.P.No.12238 of 2020

J.SATHYA NARAYANA PRASAD, J.

arb

W.P.No.12238 of 2020

02.07.2024



WEB COPY



W.P.No.12238 of 2020