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W.P.No.21387 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.21387 of 2019

S.Santhi

... Petitioner

Vs.

- 1.The Inspector General of Registration,
O/o The Secretary, Revenue chief
Secretariat, Puducherry.
- 2.The District Registrar,
O/o The District Registrar,
New Saram, Puducherry – 605 008.
- 3.The District Collector,
Department of Revenue & Disaster Management,
Government of Puducherry,
Saram, Puducherry.
- 4.The Tahsildar,
Taluk Office, Puducherry.
- 5.Marie Eugenie VanarodjaDamburn @ Tambrun
... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 3rd and 4th respondents herein to pass appropriate order by demarcating the schedule of the property by strictly complying with the provisions of the final order in



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Appeal No.1/2016 dated 16.11.2017 based on the representation dated 17.04.2019 within the stipulated period.

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For Petitioner : Mr.G.Thangavel

For Respondents 1 to 4 : M/s.G.Djearany,
Government Advocate (Pondy)

For Respondents 5 : M/s.P.Veena Suresh

ORDER

The petitioner has filed this petition seeking direction to the 3rd and 4th respondents herein to pass appropriate order by demarcating the schedule of the property by strictly complying with the provisions of the final order in Appeal No.1/2016 dated 16.11.2017 based on the representation dated 17.04.2019 within the stipulated period.

2. The case of the petitioner is that the petitioner is the absolute owner of the property admeasuring 1656 sq.ft. based on the valid sale deed dated 27.01.2012 registered as Doc.No.336/2012 on 30.01.2012. This being so, the fifth respondent falsely lodged a complaint before the Revenue Authority and District Registrar by questioning the validity of the aforesaid sale deed. Thereafter, the fourth respondent issued a proceeding



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No.22/TOP/TAH/LAND GRAB/PF/2014 dated 11.02.2014 and falsely submitted a report to the third respondent. Aggrieved over the same, the petitioner has filed a writ petition in W.P.No.5723 of 2014 before this Court and this Court was pleased to pass an order of interim injunction against the respondents in the above said writ petition and the same was in force. Subsequently, the said writ petition was also dismissed by this Court based on the order passed by the second respondent in DRP No.45 of 2015 dated 11.12.2015. Challenging the order dated 11.12.2015, the petitioner has preferred an appeal before the first respondent, however, the same was pending.

2.1. Hence, the petitioner has filed another writ petition in W.P.No.7491 of 2016 to direct the respondents to dispose of the appeal and the same was disposed of on 12.07.2016. However, the said order has not been complied. Thus, the petitioner has filed contempt petition in Contempt No.2239 of 2007. In that circumstances, the first respondent passed an order dated 16.11.2017 by granting liberty to the petitioner and private respondent to pursue appropriate judicial remedy in a Court of competent jurisdiction, as regards the registration/validity of the registered document.



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2.2. Therefore, the petitioner has submitted a representation dated 17.04.2019 before the respondents 2 to 4 to take necessary steps to demarcate the subject matter property on the light of the order passed by the first respondent in Appeal No.1/2016 dated 16.11.2017. However, no order has been passed by the respondents. Hence, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner drew the attention of this Court to the order passed by the first respondent in Appeal No.1 of 2016 dated 16.11.2017. For better appreciation and understanding the relevant paragraph of the said order is extracted hereunder:

“11. WHEREAS, the Hon'ble Supreme Court in Civil Appeal No.6673 of 2014 dated 26.10.2016 in the matter of Satya Pal Anand Vs., State of M.P. & Others (2016) 10 SCC 767, has held that the validity of a registered document can only be put in issue before a Court of competent jurisdiction and it is not open to any Authority under the Act of 1908 to cancel the registration; and”

4. Learned counsel for the petitioner would further submit that relying



on the aforesaid order dated 16.11.2017 passed by the first respondent, the petitioner has submitted a representation dated 17.04.2019 before the respondents 2 to 4 to demarcate the subject matter property and pass appropriate orders on merits and in accordance with law.

5. Heard the learned counsel on either side and perused the materials available on record.

6. On perusal of the above order dated 16.11.2017 passed by the first respondent in Appeal No.1 of 2016, it is crystal clear and evident that the petitioner was given only liberty. For better appreciation and understanding the relevant portion of the said order is extracted hereunder:

“12. NOW THEREFORE, in the backdrop of the judgment-decree of the Hon'ble Supreme Court in C.A.No.5384 of 2001 dated 23.11.2005 and in view of the Hon'ble Supreme Court judgment in Satya Pal Anand's case and taking into consideration the order of the Hon'ble High Court of Judicature at Madras in Writ Petition No.5723/2014, the appeal petition is disposed of with liberty to the appellant and private respondent to pursue appropriate judicial remedy in a Court of competent jurisdiction, as regards the registration/validity of the registered documents referred in paragraph 9 supra”.



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7. In view of the above, this Court without going into the merits of the case, directs the respondents 3 & 4 to consider the petitioner's representation dated 17.04.2019 by conducting a detailed enquiry after giving due notice, affording an opportunity of personal hearing, to consider the relevant documents submitted by both the parties at the time of the enquiry in regard to the subject matter property and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of eight weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the aforesaid observation and directions. No costs.

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Index	:	Yes/No
Speaking Order	:	Yes/No
Neutral Citation	:	Yes/No



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J.SATHYA NARAYANA PRASAD,J.

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