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W.P.No.23771 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 13.06.2024**

CORAM:

**THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.No.23771 of 2019**

Vasu Naidu

...Petitioner

-Vs-

1.The District Registrar,  
Thiruvallur,  
Thiruvallur District.

2.The Sub-Registrar,  
Ponneri,  
Thiruvallur District.

3.The Revenue Divisional Officer,  
Ponneri,  
Thiruvallur District.

4.Smt.Santhakumari

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records pertaining to the refusal order nil number dated 31.07.2019 and quash the same illegal and consequently direct the second respondent to register the settlement deed dated 31.07.2019 contains plot No.25, comprised in S.No.437/3 having total extent of 1235 sq.ft., having new S.No.437/3N situated at Balan Nagar, Ponneri-II, Tiruvallur District and pass such further orders.



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For Petitioner : Mr.S.Kumaresan  
For R1 to R3 : Mr.K.Yogesh Kannadasan  
Special Government Pleader  
For R4 : Mr.K.Suresh

### **ORDER**

This writ petition has been filed seeking a Writ of Certiorarified Mandamus, calling for the records pertaining to the refusal order nil number dated 31.07.2019 and quash the same and consequently directs the second respondent to register the settlement deed dated 31.07.2019 contains plot No.25, comprised in S.No.437/3 having total extent of 1235 sq.ft., having new S.No.437/3N situated at Balan Nagar, Ponneri-II, Tiruvallur District.

#### **2. The facts of the case in a nutshell:-**

2.1 One Mr.Seethapathi Mudaliar and P.N.Jayaram Mudaliar entered into a partition deed dated 29.01.1964, the same was registered in Doc.No.1526/1964 on the file of SRO Ponneri for their family properties having so many survey numbers consisting of houses and land. The said Jayaraman Mudaliar was allotted 'B' Schedule in the partition deed, having S.No.437/3, having an extent of 0.29 cents and S.No.437/1 having an extent of 72 cents by virtue of the partition deed.



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2.2 After the demise of Jayaraman Mudaliar in the year 1993, his legal heirs namely, Sarojini Ammal, Deenadayalan, Sugumaran, Madhavan, Nalini and Gopinathan, became absolute owners of the properties comprised in S.No.437/3 having extent of 29 cents and S.No.437/1 having extent of 72 cents and provided their properties for collateral security to the Indian Bank. Due to default in payment, the said Bank filed O.A.No.1027/98 before the Debt Recovery Tribunal-I, Chennai and both the survey numbers were brought for auction and a certificate of sale was issued in Doc. No.12860/11 for the S.No.437/3 and the sale certificate was issued in Doc. No.12858/11 for S.No.437/1. The sale certificate was issued in the petitioner's favour as an auction purchaser and the petitioner mutated the revenue records in his name, viz. for S.No.437/3, Patta was issued in Patta No.5657 and for S.No.437/1A, Patta was issued in Patta No.3453 in his favour.

2.3 Subsequently the petitioner executed a General Power of Attorney dated 13.05.2015 in favour of one Mr.T.Mani one B.Shankar. The said Power was given to the land in S.No.437/1 to the extent of 0.48 cents out of 0.72 cents. The rest of the land has been vested with him and the Power Agents sold out the said lands to Mr.K.Hari Babu & S.Satheesh Shankar



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through a registered sale deed dated 01.04.2016 in Doc.No.2936/16 and Revenue Records also mutated in their names. The petitioner and above said Mani Naidu compressed our respective adjacent lands in S.No.437/1, 2, 3, 438/1 to the extent of 3.55 acres and got regularization on 19.01.2018 for the layout formulated by them.

2.4 In the above circumstances one Mrs.K.Santhakumari claiming herself as a brother's daughter of Jayaraman Mudaliar filed a writ petition in W.P.No.23383/2018 and obtained an order considering her representation dated 29.08.2016, which is pending on the file of third respondent. The representation is regarding removal of the petitioner's name and vendors name from the Revenue Records pertaining to the S.No.437/3 and 437/1. The order obtained by the said K.Santhakumari is based on suppression of material facts, the petitioner was not added as a necessary party in the said Writ Petition. Moreover, she has no right over the properties auctioned by the bank. Taking advantage of the order in the said Writ Petition in W.P.No.23383 of 2018 the Sub Registrar Ponneri purposely refused to register documents in his Survey Nos.437/3 and 437/1. When the petitioner presented a sale deed dated 19.09.2018 in Doc.No.163/18 the same was kept pending for the above said reason by the SRO Ponneri and subsequently it



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was registered after a long delay. Pursuant to that, the petitioner forwarded a representation to the District Registrar on 18.07.2019. Thereafter, the second respondent has passed the refusal order dated 31.07.2019. Challenging the same, the petitioner has approached this Court by way of filing this present writ petition.

3. Learned counsel for the petitioner submits that the act done by the SRO Ponneri is illegal and the petitioner got clear title over the properties comprised in S.No.437/3 and 437/1 by way of sale certificate issued by the DRT-I, Chennai. On 18.07.2019, the petitioner forwarded a representation to the District Registrar with respect of the refusal of document pertaining to the auction purchased property. In the said circumstances, the petitioner presented settlement deed for the Plot No.25, comprised in Survey No.437/3 having an extent of 1235 sq. having new survey No.437/3N. The second respondent have given the reason for refusal of registration that the Revenue Divisional Officer have communicated a letter dated 26.06.2019 by mentioning W.P.No.23383 of 2018 and W.M.P.No.27286 of 2018 by mentioning S.No.4225, 4228, 424/11, 437/1, 437/3, 514/1, 514/6, 519/2, 565/3 that the registration should not be carried out till the final order has been passed. The said Smt.Santhakumari is in no way connected to the



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property which was purchased by the petitioner through DRT auction.

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4. Learned Special Government Pleader appearing for respondents 1 to 3 submitted that in a similar matter of this Court in ***W.P.No.11221 of 2015 in V.Sundaram Vs. The Deputy Superintendent of Police, Economic Offences & Wing, Kancheepuram District***, has held that the Police Department cannot give any letter to the Registration Department in order to register the sale deed and cannot give any objection not to register any deed pertaining to any Survey Number which is extracted hereunder for better appreciation and understanding:

*“12. This Court is in complete agreement with the law laid down by the Full Bench of the Bombay High Court and the Kerala High Court with regard to the power of the police officer to seize immovable properties under Section 102, Cr.P.C. The Deputy Superintendent of Police, by couching the impugned communication in a camouflaged language, is in fact, indirectly attaching the properties of the accused via the backdoor, which is not permissible. If the Deputy Superintendent of Police is desirous of safeguarding the interest of the depositors, he should have immediately taken steps to send a report to the Government for initiating action under Section 3 of the Criminal Law Amendment Ordinance and not through such a subterfuge.*

*13. The order impugned is indeed arbitrary exercise of power and is therefore, violative of Article 14 of the Constitution*



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*of India. It is always open to the Investigating Officer to call for information from the sub registrar about the property holdings of an accused. He can also ask the Sub-Registrar to inform him, if any transaction concerning the properties of the accused, is registered. He cannot prohibit the Registrar from registering a document. ”*

5. Heard both sides and perused the materials available on record.

**6. In the case on hand the third respondent / Revenue Divisional Officer (RDO) have communicated a letter dated 26.06.2019 based on which the second respondent has refused to register the settlement deed document. In the above similar matter, this Court has held that the Police Department cannot give any letter to the Registration Department in order to register the sale deed and cannot give any objection not to register any deed.**

**7. In the present case, the letter is given by the Revenue Department and the above principle / ratio laid down by this Court is squarely applicable to the present case.**

**8. In view of the above factual matrix of the case and the**



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**principle/ratio laid down by this Court, the refusal order nil number dated 31.07.2019 issued by the second respondent is quashed. The second respondent / Sub-Registrar, Ponneri, Thiruvallur District, is hereby directed to register the settlement deed presented by the petitioner if otherwise in order within the period of eight weeks from the date of receipt of a copy of the order.**

**In the result, the writ petition stands allowed with the above observation and direction. No costs.**

**13.06.2024**

cda

Index : Yes/No

Speaking/Non Speaking order

To

1.The District Registrar,  
Thiruvallur,  
Thiruvallur District.



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2.The Sub-Registrar,  
Ponneri,  
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**J.SATHYA NARAYANA PRASAD, J.**

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