



W.P. No.34621 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.34621 of 2022 and
10085 of 2023

V.Janakiraman

... Petitioner in W.P. No.34621/
2022

Rajeswari

... Petitioner in W.P. No.10085/
2023

Vs

- 1.The District Collector
Thirupathur, Thirupathur District
- 2.The District Revenue Officer
Thirupathur, Thirupathur District
- 3.The Tahsildar
Office of the Tahsildar
Thirupathur, Thirupathur District
- 4.The Sub Registrar
Jolarpettai, Thirupathur District
- 5.The Sub Collector
Thirupathur, Thirupathur District
- 6.The District Registrar



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District Registrar Office
Thirupathur.

... Respondents in both WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 4th respondent to release the sale deed in pending document No.11/2014 dated 28.11.2014 in respect of lands, Patta No.187, measuring about 50 cents S.No.311 of Atthanavur Village, Elagirimalai Madhura, Thirupathur District and sale deed pending document No.8/2014 dated 8.10.2014 in respect of lands in Patta No.727, comprised in S. No.287 and 287/2 situate in Mangalam Village, Yelagiri Hills, Tirupathur District within a stipulated time.

For Petitioner : Mr.V.Thirupathi
in both WPs

For Respondents : Mr.G.Ameedius
in both WPs Govt. Advocate for R1 to R3 & 5
Mr.B.Vijay
Addl. Govt. Pleader for R4 & R6

COMMON ORDER

This writ petition has been filed for a direction to the 4th respondent to release the sale deed in pending document No.11/2014 dated 28.11.2014 in respect of the lands covering Patta No.187, measuring about 50 cents in S.No.311 of Atthanavur Village, Elagirimalai Madura, Thirupathur District.



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2. It is the case of the writ petitioner in W.P. No.34621 of 2022 that the property of an extent of 50 cents in S. No.311 of Athanoor village, Yelagiri Hills, Thirupattur Taluk originally belonged to one Chinnakutti and he has settled the same in favour of Senthil under a Settlement Deed dated 12.08.1994 and registered as Document No.932 of 1994 on the file of SRO, Vaniyambadi. When the petitioner has presented the document for sale executed by Senthil, the said document has been kept pending in Pending No.11 of 2014 without any valid reasons. Hence seeks a direction.

3. It is the case of the writ petitioner in W.P. No.10085 of 2023 that the property of an extent of Acre 2.75 cents in S. No.287 originally belonged to one Somagoundar. He sold the said property to one Ramagoundar. The said Ramagoundar had executed a settlement deed dated 25.03.1955. After the death of Ramagoundar, his legal heirs have sold the property to various persons. The petitioner has purchased the above property from one A.Gopi, Power Agent. When the petitioner presented the sale deed dated 08.10.2014 for registration before the 3rd respondent, the same was kept pending in Pending No.8 of 2014 based on the letter of the 4th respondent without any valid reasons. Hence seeks a direction.



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4. The counter of the Sub Registrar would indicate that, as there was no proper entries in the revenue records, the petitioner has also not obtained a No Objection Certificate from the revenue department, the document is kept pending. According to them, as per the letter of Revenue Divisional Officer dated 10.08.2007, R.S. No.267/2 comes under the prohibited document. Hence it is their contention that, only for that reason, the document has been kept pending.

5. In the last hearing, I have directed the learned Additional Government Pleader to produce the 'A' Register from the revenue department. Today, the records have been produced. This court has verified the same. As far as S. No.311 is concerned, there is no entry. However, as far as other survey number is concerned, it is recorded as patta land. Further RTI reply issued by the Special Tahsildar indicate that Survey Nos.287 & 311 are not referred as Government poramboke lands in the 'A' Register. Hence the property is not belonged to the Government. One of the survey number is mentioned as patta and other survey number though entries have been made, the earlier one is the registered document in the year 1994, let the petitioner produce the copy of the reply furnished under the RTI Act dated 12.04.2024 to the Sub Registrar. On



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such production, the documents shall be released on its own merits, within a period of 10 days thereafter.

6. With the above direction, the writ petitions are disposed of. However, there is no order as to costs.

25.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To:

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N.SATHISH KUMAR, J.

Asr

7.The Government Pleader
High Court, Madras

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