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W.P.No.35178 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.35178 of 2022

1.G.Vijayakumar

2.G.Prabhu

.. Petitioners

VS

1.The Inspector General of Registration  
Office of the Inspector General of Registration  
Santhome High Road, Santhome,  
Chennai – 600 004.

2.The Sub Registrar,  
Sub Registrar's Office, Thiruchengode.

3.The Principal Secretary / Managing Director,  
Tamilnadu Housing Board,  
No.493, Nandanam, Anna Salai,  
Chennai – 600 035.

.. Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2<sup>nd</sup> respondent to register the settlement deed dated 13.10.2020 on the file of SRO Tiruchengode, which was kept pending under Pending Number 104 of 2020 by the respondent no.2 and release the same to the petitioners and grant such other order or orders as this Court may deem fit just and proper in the circumstances of the case and thus render justice.



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For Petitioners : Mr.R.Sankarakutralingam

For Respondents : Mr.B.Vijay, AGP for R1 to R2  
No appearance for R3

### ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the 2<sup>nd</sup> respondent to register the settlement deed dated 13.10.2020 which was kept pending by the 2<sup>nd</sup> respondent - Sub Registrar, Tiruchengode, under pending Doc.No.104 of 2020 and for a consequential direction to the 2<sup>nd</sup> respondent to release the document.

2. It is the case of the petitioners that when the settlement deed executed by their father-T.T.Ganesan in respect of his 1/3<sup>rd</sup> share out of 25,500 ½ square feet, comprised in T.S.No.349 (S.NO.209/D) of Tiruchengode Village, was presented for registration, it was kept as pending document on the basis of an objection raised by the Tamil Nadu Housing Board (TNHB). The subject land was originally acquired in 1982 under the Land Acquisition Act, despite the fact that the land acquisition proceedings were subsequently quashed by this court by order dated 16.11.1986 in W.P.No.9792 of 11986. Aggrieved by the same, the State preferred an appeal in W.A.No.201 of 2005 with a delay of



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more than 10 years. The Writ Appeal was however dismissed on 03.04.2009 for default of the appellant. But, the writ appeal was subsequently restored and was dismissed on merits as infructuous by order dated 17.02.2016 as appeal filed in W.A.No.1103 of 1998 against the order in W.P.No.9792 of 1986 was dismissed on 31.08.2007. Thereafter, no appeal was filed by the State against the order quashing the Notification under Section 4(1) of the Land Acquisition Act and that order has become final. Thereafter, patta stood transferred in the name of the original land owner. However, merely on the basis of objection raised by the TNHB, the 2<sup>nd</sup> respondent refused to register the settlement deed presented by the petitioner for registration.

3. A counter affidavit has been filed *inter- alia* contending that the settlement deed executed by T.T.Ganesan, the father of the petitioners in favour of the petitioners on 13.10.2020 which was presented for registration was kept pending on the basis of the letter given by the TNHB in 2018.

4. However, today, the learned Additional Government Pleader, on instructions and after verification with the registering authority concerned, submitted that land acquisition proceedings had been quashed



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by this court by order dated 16.11.1986 and the same had become final with the disposal of writ appeal by this court. Therefore, according to him, the TNHB had no interest over the subject property.

5. Recording the submission made by the learned Additional Government Pleader, the 2<sup>nd</sup> respondent is directed to register the settlement deed presented by the petitioner within a period of one month from the date of receipt of a copy of this order and release the same in favour of the petitioner.

This writ petition is disposed of accordingly with the above directions.

18.04.2024

Index:Yes/No

Neutral Citation:Yes/No

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To

1.The Inspector General of Registration  
Office of the Inspector General of Registration  
Santhome High Road, Santhome,



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Chennai – 600 004.

2. The Sub Registrar,  
Sub Registrar's Office,  
Thiruchengode,

3. The Principal Secretary / Managing Director,  
Tamilnadu Housing Board,  
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N. SATHISH KUMAR ,J.

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