



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:21.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.(MD)No.20373 of 2014 and

W.P.(MD)Nos.539, 540, 542 of 2015

and

M.P.(MD)Nos.1,1 and 1 of 2015

M.P.(MD)Nos.2,2 and 2 of 2015

1.Amsavalli	... Petitioner in WP.20373/2014
2.P.Samayarani	... Petitioner in WP.539/2015
3.S.Siluvaimuthu	... Petitioner in WP.540/2015
4.P.Ramalakshmi	... Petitioner in WP.542/2015

Vs.

1.The Principal Secretary and Commissioner
of Land Administration,
Government of Tamil Nadu, Chepauk, Chennai.

2.The Inspector General of Registratioin,
No.100, Santhom High Road, Chennai - 28.

3.The District Collector,
Sivaganga District, Sivaganga.

4.The Revenue Divisional Officer,
Devakottai, Karaikudi Taluk, Sivaganga District.

5.The District Registrar,
Karaikudi, Sivaganga District. ... 1-5 Respondents in
W.P.(MD)Nos.539, 540 & 542 of 2015

6.The Sub Registrar,
Registration Department,
Karaikudi, Sivaganga District. ... Respondent in
W.P.20373/2014 and 6th Respondent in
W.P.(MD)Nos.539, 540 & 542 of 2015

PRAYER in W.P.(MD)Nos.20373 of 2014: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to register the document presented by the petitioner relating to the old S.No.65/9, New S.No.303/1D of Kalanivasal Village, Karaikudi Taluk, Sivagangai District, within a time stipulated by this Court.

PRAYER in W.P.(MD)Nos.539, 540 & 542 of 2015: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made by the 4th respondent by his proceedings in Na.Ka.A1/1357/09 dated 25.03.2009 in so far as it relates to the petitioners lands in Plot No.32 in Survey No.65/1, Plot NO.9 in Survey No.65/32 and in Plot No.28 in Survey No.65/7 respectively in Kalanivasal Vilalge, Karaikudi Taluk, Sivaganga District and quash the same as illegal and consequently direct the 6th respondent to take on file and register documents in respect of the said lands.



For Petitioner in : Mr.K.Balasundharam
(WP.20373/2014)
For Petitioners in : Mr.M.Mahaboob Athif for
W.P.(MD)Nos.539, 540 & M/s.Ajmal Associates
542 of 2015
For Respondents : Mr.S.Chandrasekar
Govt.Advocate

COMMON ORDER

The petitioner in one writ petition seeks for a Writ of Mandamus and in other writ petitions, the petitioners have sought for a Writ of Certiorarified Mandamus for quashing the orders impugned and consequential direction to register the documents in question.

2. Heard the learned counsels appearing on either side and perused the materials available on record.

3. The main grievance of the petitioners is that the Sub Registrar, Karaikudi, Sivaganga District, the sixth respondent herein is not permitting them to present the Documents/Deeds in respect of the property in issue for registration.

4. It is the stand taken on behalf of the petitioners that the sixth Respondent cannot refuse registration on the basis of instruction issued by the Government or any other body. Likewise, the fourth respondent is not empowered under any law to issue the impugned proceedings whereby directing the Registrar not to register any sale deed in respect of the petitioners' lands.

5. When that be the aforesaid factual scenario, the petitioners presented the documents in respect of their properties through their power of attorneys on the file of sixth respondent, seeking to register the document, as per the proceedings of the first respondent. However, the sixth respondent has refused to entertain the same.

6. The contentions advanced on behalf of the petitioners is that the Registering Authority, under the Registration Act, 1908, has power to register a 'Document', which is permissible to be registered. As such, in the instant case, in the impugned order passed by the fourth respondent, the Revenue Divisional Officer, Devakottai, Karaikudi Taluk, Sivaganga District, dated 25.03.2009, whereby a direction was given to the Sub Registrar I & II of Karaikudi not to register the documents in respect of the above said Survey Number and imposed a temporary ban, is not legally valid one in the eye of law.

7. Also, the Learned counsel for the petitioners reference to a recent order dated 28.10.2014 passed by this Court in *W.P.(MD).No.17325 of 2014 between M.Malathy vs. The Principal Secretary and Commissioner of Land Administration, Government of Tamil Nadu, Chepauk, Chennai and five others*, wherein this Court, on a similar issue, has allowed the writ petition and resultantly, sets aside the order dated 25.03.2009 passed by the fourth respondent for the reasons ascribed therein. Also, this Court, in the said writ petition, had issued a directions to the effect that



"as and when the petitioner presents the document for registration, if the same is in accordance with law, then, the sixth respondent shall register the same in the manner known to law and in accordance with law etc."

8. In view of the fact that the reliefs sought for by the present writ petitioners are similar to that of the reliefs prayed for in W.P.No. (MD).No.17325 of 2014, dated 28.10.2014 and this Court, by following same allows the present writ petitions, by setting aside the impugned order of the fourth respondent dated 25.03.2009 insofar as it relates to petitioners' land in question and quashed the same in the interest of justice. Further, this Court passes an order to the effect that as and when the petitioners through the power of attorney holders present the 'Documents' for registration, if the same are in accordance with Law, then, the sixth Respondent shall register the same in the manner known to law and in accordance with law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Per Admn)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary and Commissioner
of Land Administration,
Government of Tamil Nadu, Chepauk, Chennai.

2.The Inspector General of Registratioin,
No.100, Santhom High Road, Chennai - 28.

3.The District Collector, Sivaganga District, Sivaganga.

4.The Revenue Divisional Officer,
Devakottai, Karaikudi Taluk, Sivaganga District.

5.The District Registrar, Karaikudi, Sivaganga District.

6.The Sub Registrar,
Registration Department, Karaikudi, Sivaganga District.

+6ccs to M/S.AJMAL ASSOCIATES, IN SR : 2738 TO 2740, 2262, 2266, 2281
+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 2994

Mpk

SR : 05.02.2015 : 3p/14c

W.P. (MD) No.20373 of 2014
and

W.P. (MD) Nos.539, 540, 542 of 2015
21.01.2015