



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.06.2015

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THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P(MD).Nos.2291 of 2014, 1068 and 1069 of 2015
and

M.P.(MD).Nos.1 of 2014 and 1 of 2015

S.X.Rajamannar	... Petitioner in W.P.(MD).
No.2291/2014	
P.Joesph Manoharan	... Petitioner in W.P.(MD).No.1068/2014
R.Balu	... Petitioner in W.P.(MD).No.1069/2014

Vs

1.The District Registrar,
Administration,
Office of the District Registrar,
Department of Registration,
Tuticorin District,
Tuticorin.

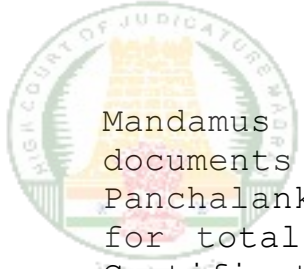
2.The Sub Registrar,
Office of the Sub Registrar,
Ottapidaram,
Tuticorin District.

3.The Tahsildar,
Taluk Office,
Ottapidaram,
Tuticorin District

... Respondents in all WPs

W.P. (MD) .No.2291 of 2014: This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to register sale document in respect of Revenue Survey No.13/1 to an extent of 8 cents situated in Panchalankurichi Village Ottapidaram Sub-Registrar Office jurisdiction Thoothukudi Registration District Tuticorin without demanding any No Objection Certificate from Revenue Divisional Officer Kovilpatti or any other authority based on the Petitioner's representation dated 07.09.2013 and 04.11.2013 according to law within the stipulated time as may be fixed by this Honourable Court.

<https://hcs.wvjuds.ecd.gov.in/ncse/vfcase/> **W.P. (MD) .No.1068 of 2015:** This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of



Mandamus directing the 2nd respondent to register the sale documents in respect of R.S No.496/3 and 496/4 of Panchalankurichi Village Ottapidaram Taluka Tuticorin District for total extent of 6 Acres without insisting any No Objection Certificate from Revenue Divisional Officer Kovilpatti or any other authority based on his representation dated 20.10.2014 according to law within stipulated time as may be fixed by this Honourable Court.

W.P. (MD).No.1069 of 2015: This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to register the sale document in respect of R.S.No.483/1, 483/2 & 484/1 of Panchalankurichi Village, Ottapidaram Taluk, Tuticorin District, for total extent of 9 Acres without insisting any No Objection Certificate from Revenue Divisional Officer, Kovilpatti or any other authority based on the petitioner's representation dated 20.10.2014 according to law within stipulated time as may be fixed by this Honourable Court.

For petitioners : Mr.S.Muthalraj

For respondents : Mr.TR.Janardhanam
Govt.Advocate

COMMON ORDER

Since the issue involved in all these Writ Petitions are one and the same, they are taken up together and disposed of by a common order.

2. Mr.TR.Janardhanam, learned Govt.Advocate takes notice for all the respondents.

3. It is the specific case of the petitioners though a portion of the lands in question was registered by the Registering Authority, the respondents refuse to register the remaining portion of the lands for some reason or the other. Earlier, one Saravanakumar filed an original suit before the Additional District Munsif, Tuticorin District, for declaration and for permanent injunction against the Revenue Divisional Officer. The same was decreed in favour of him on 28.08.2014. Based on the said decree, the second respondent registered a sale deed of the subject property in question which was alienated to decedents of Veerapandiya Kattabomman in Registration vide document No.1700/2014 dated 12.04.2013. However, now the authorities are refusing to register the documents in question. Hence, the petitioners are before this Court praying to release the lands belonging to the petitioners.



4. The learned Govt. Advocate through his counter affidavit would submit that the lands assigned to the petitioners are the Forest lands and allotted for the use of house sites and for agricultural purposes of the beneficiaries. Those lands were allotted with a specific conditions to the beneficiaries, in which, it is laid down that no part of the lands assigned be sold and in the case of sale, the sale would be invalid. The conditions were also inscribed in the respective pattas issued to the beneficiaries. Further, the Joint Commissioner of Land Reforms have no authority to issue "No Objection Certificate" to the petitioner, as the Revenue Divisional Officer, Kovilpatti alone is the competent authority to issue such Certificate. Therefore, he pleads for the dismissal of these Writ Petitions.

5. In the light of the facts states supra and submission made on either side, without going into the merits of the claim made by the petitioners in these Writ Petitions, the first respondent is directed to pass appropriate orders on the representations of the petitioners, dated 04.11.2013 and 20.10.2014, on merits and in accordance with law, after giving an opportunity of hearing to the petitioners as well as the other interested parties, if any, within a period of two months from the date of receipt of a copy of this order. The petitioners are also directed to send a copy of the representation already sent to the respondents, along with a copy of this order for proper follow up.

With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

ssm

To

1. The District Registrar,
Administration,
Office of the District Registrar,
Department of Registration,
Tuticorin District,
Tuticorin.

2. The Sub Registrar,
Office of the Sub Registrar,
Ottapidaram,
Tuticorin District.



3.The Tahsildar,
Taluk Office,
Ottapidaram,
Tuticorin District

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+3cc to MR.S.MUTHAL RAJ,ADVOCATE IN SR NOS.26784,26785 & 26783

+1cc to Special Government Pleader Sr NO. 27027

W.P(MD).Nos.2291 of 2014, 1068 and 1069 of 2015
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