



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition(MD)Nos.21470 & 21471 of 2015
and M.P(MD)Nos.1, 1, 2 & 2 of 2015

1.W.P(MD)No.21470 of 2015:-

C.R.Chidambara Kannan

... Petitioner

Vs.

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

2.The Inspector General of Registration,
100, Santhom High Road,
Chennai - 28.

3.The District Collector,
Sivagangai District.

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

5.The District Registrar,
Karaikudi,
Sivagangai District.

6.The Sub Registrar,
Karaikudi,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the fourth respondent in Na.Ka.A1/1357/2009, dated 25.03.2009 in so far as it relates to the lands of the petitioner vacant house plot extent 1537 sq. feet in Survey No.65/2 in Rasi Nagar in Kaliyappa Nagar, Kalanivasal Village, Karaikudi Taluk, Sivagangai District and quash the same and direct the sixth respondent herein to forthwith register the document in respect of the aforesaid lands of the petitioner.

For Petitioner

: Mr.G.Manikandan
for Mr.T.Pon Ramkumar

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents

: Mr.M.Rajarajan
Government Advocate



2.W.P(MD)No.21471 of 2015:-

A.N.Ameen

... Petitioner

Vs.

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

2.The Inspector General of Registration,
100, Santhom High Road,
Chennai - 28.

3.The District Collector,
Sivagangai District.

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

5.The District Registrar,
Karaikudi,
Sivagangai District.

6.The Sub Registrar,
Karaikudi,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the fourth respondent in Na.Ka.A1/1357/2009, dated 25.03.2009 in so far as it relates to the lands of the petitioner vacant house plot extent 2190 sq. feet in Survey No.65, Kaliyappa Nagar, Kalanivasal Village, Karaikudi Taluk, Sivagangai District and quash the same and direct the sixth respondent herein to forthwith register the document in respect of the aforesaid lands of the petitioner.

For Petitioner : Mr.G.Manikandan
for Mr.T.Pon Ramkumar

For Respondents : Mr.M.Rajarajan
Government Advocate

COMMON ORDER

In both these Writ Petitions, the petitioners are aggrieved against the order passed by the Revenue Divisional Officer, Devakottai, dated 25.03.2009, wherein and whereby the said official directed the Registering Authorities not to register the documents in respect of the lands covered in survey numbers referred to in the said proceedings.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents.



3. The learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents in both the Writ Petitions submitted that the issue involved in these cases is squarely covered by earlier orders passed by this Court arising out of the same impugned proceedings, in favour of the petitioners and therefore, the same order can be passed in these Writ Petitions also.

4. The petitioners in these Writ Petitions have annexed one such order in the typed-set of papers made in W.P(MD)Nos.12858 of 2015 etc., dated 28.07.2015.

5. Perusal of the said order would show that the very same impugned proceedings was the subject matter in those Writ Petitions as well and the learned Judge, following the earlier orders passed, allowed those Writ Petitions by setting aside the order of the fourth respondent herein, dated 25.03.2009 with a further direction to the Registering Authority to register the documents presented by the petitioners therein in a manner known to law, if the same is presented in accordance with law. The relevant paragraph Nos.9 & 10 of the said order are extracted hereunder:-

"9.Considering the submissions advanced on behalf of the petitioner and also this Court taking note of the same, is of the considered view that no direction can be issued by one authority of the Registration Department to other/another authorities concerned of the same department to the effect that they shall not register the documents in question and in effect, there is no provision under the Registration Act, 1908 which enables the fourth respondent to issue the impugned order, dated 25.03.2009 insofar as the present cases are concerned.

10.In the result, the Writ Petitions are allowed. Consequently, the order passed by the fourth respondent dated 25.03.2009 is set aside. As and when the petitioners present 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. Consequently, connected Miscellaneous Petitions are closed. No costs".

6. The learned counsel appearing for the petitioners also produced various other orders passed arising out of the same impugned order.

7. Considering the above stated facts and circumstances, these Writ Petitions are allowed and the impugned orders are set aside. Consequently, the Registering Authority, namely, the sixth respondent, is directed to register the documents presented by these petitioners in respect of the lands referred to in the Writ Petitions, if they are presented in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/



To

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

2.The Inspector General of Registration,
100, Santhom High Road,
Chennai - 28.

3.The District Collector,
Sivagangai District.

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

5.The District Registrar,
Karaikudi,
Sivagangai District.

6.The Sub Registrar,
Karaikudi,
Sivagangai District.

+2CC to Mr.G.Manikandan, Advocate, SR.No. 68823

+1CC to The Special Government Pleader SR.No.69076

W.P(MD)Nos.21470 & 21471 of 2015
and M.P(MD)Nos.1, 1, 2 & 2 of 2015
02.12.2015

AM/04.12.2015/SK/SAR-II/4P/10C