



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.22419 of 2015

and M.P (MD) Nos.1 & 2 of 2015

A.Karuppaiah

...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 in plot No.6 in Survey No.65/67, 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 Respondents : Mr.K.Mahesh Raja
Government Advocate

ORDER

The petitioner is 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 document in respect of the lands covered in survey number referred to in the said proceedings.



2. Mr.K.Mahesh Raja, learned Government Advocate takes notice for the respondents.

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

4. The petitioner in this Writ Petition has 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 this Writ Petition as well before the learned Judge who, after following the earlier orders, 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 petitioner also produced various other orders passed arising out of the same impugned order.

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

Sd/-

Assistant Registrar(CS-I)

/True copy/



To

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+1cc to the Special Government Pleader in SR.71948

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PS

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