



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**

W.P. (MD) No.1858 of 2011
and
M.P. (MD) Nos.2 and 3 of 2011

1.S.A.S.Sheik Ibrahim Sha
2.S.A.S.Sheik Ibrahim
3.S.Banu Paridha

... Petitioners

Vs.

1.The Sub-Registrar,
Sub-Registrar Office,
Vellipatinam,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records in notification No.19/2010, dated 12.10.2010, on the file of the first respondent herein and to quash the same as illegal and further direct the first respondent herein to register the Inam Settlement deed dated 01.10.2010 executed by the petitioners in favour of Regina, wife of Late Seenikatti.

For Petitioners : Mr.K.R.Laxman

For Respondent : Mr.K.Mahesh Raja
Government Advocate

ORDER

The petitioners are aggrieved against the proceedings of the first respondent dated 12.10.2010 wherein and whereby they were directed to produce No Objection Certificate from the concerned Tahsildhar for the purpose of registering the settlement deed submitted before the first respondent dated 12.10.2010 for registration. The reasons stated in the impugned proceedings for directing the petitioners to produce No Objection Certificate is that the subject matter lands were acquired by the Government under land acquisition proceedings for the agricultural farm.

2. Heard the learned Counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.



3. The petitioners are the children of one Seenikatti. The subject matter lands were sought to be acquired under the land acquisition proceedings in G.O.Ms.No.8, Agriculture Department dated 03.01.1995. Challenging the said acquisition proceedings, the petitioners' father viz., Seenikatti filed a writ petition in W.P.No.12952 of 1995 and the said writ petition was allowed by quashing the impugned proceedings by an order dated 16.07.2002. The Government went on appeal in W.A.No.1748 of 2004. the Division Bench of this Court, by order dated 14.02.2008, dismissed the writ appeal.

4. It is submitted by the learned Counsel appearing for the petitioners that the Government has not challenged the order passed by the Division Bench by filing any further appeal and thus the order passed by this Court quashing the land acquisition proceedings has become final, conclusive and binding on the parties.

5. After the order passed by the Division Bench, the settlement deed dated 01.10.2010 was executed by the petitioners in favour of one Rejina, who is none other than their mother. When the said document was filed before the first respondent for registration, the impugned order came to be passed as stated supra.

6. The learned Government Advocate appearing for the first respondent submitted that the petitioners have not produced the order passed by this Court, quashing the land acquisition proceedings and therefore, the first respondent was not aware of those facts and consequently passed the impugned order. Therefore, the learned Government Advocate submitted that it is open to the petitioners to produce those orders before the Registering Authority and if the said order is produced, there will not be any impediment for the Registering Authority to register the settlement deed.

7. The above stated facts and circumstances would show that the land acquisition proceedings initiated against the subject matter lands have already ended in favour of the petitioners, as this Court has quashed the land acquisition proceedings. Therefore, the first respondent is not justified in stating the reason in the impugned order, as if the subject matter lands are acquired by the Government. Therefore, there is no necessity for the petitioners to obtain No Objection Certificate from the Revenue department. Consequently, the impugned order cannot be sustained and accordingly the same is set aside.

8. It is open to the petitioners to re-present the settlement deed for registration before the first respondent. As and when the petitioners re-presented such document, the first respondent shall register the same in accordance with the procedure, if there is no other legal impediment for registering the said document. Such exercise shall be done by the first respondent within a period of four weeks from the date of re-presentation of the document for registration by the petitioners.

