

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.08.2015****C O R A M****THE HONOURABLE MS.JUSTICE V.M.VELUMANI****W.P(MD) No.17208 of 2013
and
M.P(MD) Nos.1 & 2 of 2013**

P.Vijayamohanan

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Nagercoil,
Kanyakumari.

2.The Sub Registrar,
Eraniel Sub Registrar Office,
Near Monday Market,
Nagercoil,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent No.2 to register the property of the petitioner in Survey No.1, Aloor Village, Kalkulam Taluk, Kanyakumari District to an extent of 41.86 acres of land in favour of the subsequent purchaser.

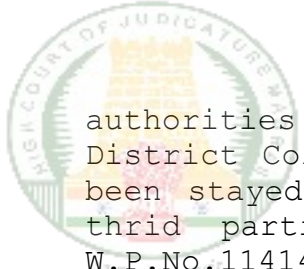
For petitioner ...Mr.T.Lajapathi Roy

For Respondents ...Mr.M.Murugan
Government Advocate**O R D E R**

The petitioner has filed this writ petition for a writ of mandamus, directing the respondent No.2 to register the property of the petitioner in a Survey No.1, Aloor Village, Kalkulam Taluk, Kanyakumari District to an extent of 41.86 acres of land in favour of the subsequent purchaser.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.The petitioner purchased 41.86 acres of land in Aloor Village, Kalkulam Taluk, Kanyakumari District in Survey No.1. The Revenue Authority issued patta in his favour. Subsequent to this purchase, he came to know that the land in question has been notified as private forest land. The boundaries of the lands are also not in forest land. The petitioner is not allowed to develop his property and



authorities insisted that the petitioner must get permission from District Collector for making any improvement. The said notification has been stayed by this Court in number of writ petitions filed by various third parties. The petitioner has also filed a writ petition in W.P.No.11414 of 2013 challenging the very same notification. This Court, has granted an order of interim stay of the impugned notification issued by District Collector. In view of the notification, the petitioner is not able to sell the property to third parties.

4.The petitioner has given a representation to the second respondent to register the land in question purchased by the petitioner. In view of the notification being stayed by this Court, the second respondent did not pass any orders on the representation. Hence, he has filed the present writ petition for the above stated relief.

5.Admittedly, the petitioner has already filed a writ petition in W.P.(MD)No.11414 of 2013 challenging the notification declaring the land in question, as a private forest land. So long as notification is in force, the land in question will be considered only as private forest land.

6.In view of the fact that writ petition filed by the petitioner pending before this Court challenging the notification, this writ petition is not maintainable. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

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To

1.The District Registrar,
Registration Department,
Nagercoil,
Kanyakumari.

2.The Sub Registrar,
Eraniel Sub Registrar Office,
Near Monday Market,
Nagercoil,
Kanyakumari District.

+1CC to Spl.Government Pleader Sr.No.49186

GJM/AN/MP/14.9.15-2P-4C

W.P (MD)No.17208 of 2013

Dated : 25.08.2015