



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.12111 of 2016

and

W.M.P(MD)Nos.9243 and 9244 of 2016

V.Boominathan

..Petitioner

Vs

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

2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.

3.The District Collector,
Sivagangai District,
Sivagangai.

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

5.The District Registrar,
Karaikudi,
Sivagangai District.

6.The Sub-Registrar,
Karaikudi,
Sivagangai District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made by the fourth respondent by his proceedings in Na.Ka.A1/1357/09, dated 25.03.2009 insofar as it relates to the Petitioner's lands in Plot No.5, Kalaiappa Nagar in S.No.65/26 at Kalanivasal Village, Karaikudi Taluk, Sivagangai District and to quash the same as illegal and consequently to direct the 6th respondent to take on file and register the documents in respect of the Petitioner's lands.

For Petitioner :M/s.R.Boomirajan

For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate

ORDER

Heard both sides.

2. By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3. No counter is filed on behalf of the Respondents.

4. The Petitioner has focussed the present Writ Petition before this Court praying for passing of an order by this Court in calling for the records pertaining to the impugned order made by the Fourth Respondent in Na.Ka.No.A1/1357/09, dated 25.3.2009 insofar as it relates to the Petitioner's lands in Plot No.5, Kalaiappa Nagar in S.No.65/26 at Kalanivasal Village, Karaikudi Taluk, Sivagangai District and to quash the same as illegal one. Further, he has sought for passing of a consequential order by this Court in directing the 6th Respondent/The Sub-Registrar, Karaikudi, Sivagangai District to take on file and register the documents in respect of his lands.

5. At this juncture, the Learned Counsel for the Petitioner brings it to the notice of this Court that the subject-matter in the instant Writ Petition is squarely covered by means of an order of this Court, dated 01.12.2014 in W.P.(MD)Nos.19402 and 19403 of 2014 between Parameswari .vs. The Principal Secretary and Commissioner of Land Administration, Government of Tamil Nadu, Chennai and 5 others, whereby and where-under at Para 11, this Court had inter-alia observed and passed the following order:

"In view of the fact that the reliefs sought for by the present writ petitioners in W.P.(MD).Nos.19402 and 19403 of 2014 are similar to that of the reliefs prayed for in W.P.(MD).No.17325 of 2014 and this Court, by following the order dated 28.10.2014 in W.P.(MD).No.17325 of 2014, allows the present writ petitions, by setting aside the impugned order of the fourth respondent in proceedings in Na.Ka.A1/1357/09 dated 25.03.2009 insofar as it relates to petitioner's land in Sy.Nos.65/7 and B12 65/4, New Survey No.300 respectively in Kalanivasal Village, Karaikudi Taluk, Sivagangai District and quash the same in the interest of justice. Further, this court passes an order to the effect that as and when the petitioners through the power of attorney holders present the 'Documents' for registration, if the same are in accordance with Law, then, the sixth respondent shall register the same in the manner known to law and in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed."

6. At this stage, the Learned Government Advocate appearing for the Respondents 1 to 6 brings it to the notice of this Court that the Fourth Respondent/The Revenue Divisional Officer, Devakkottai, Karaikudi Taluk, Sivagangai District, in Reference No.ROC.A1/1357/2009, dated 10.09.2015, had passed the following Order:

<https://hcservices.ecourts.gov.in/hcservices/>
"The Revenue Divisional Officer, Devakottai has directed the Sub-Registrar I and II of Karaikudi to suspend of registration of documents in respect of S.No.65/1 & 65/2 of Kalanivasal



Village in Karaikudi Taluk in the reference 1st cited.

Now the Collector, Sivaganga has instructed to withdraw the ban on the sales in respect of above said Survey Numbers in the reference 2nd cited.

Hence, the Sub-Registrar I & II of Karaikudi are directed to register the registration of documents in respect of S.No.65/1 & 65/2 of Kalanivasal Village in Karaikudi Taluk."

7. In view of the fact that the relief sought by the Petitioner in the present Writ Petition is similar to that of the relief sought for in W.P(MD)No.17325 of 2014, this Court following the order, dated 28.10.2014 in W.P(MD)No.17325 of 2014, allows the present Writ Petition, by setting aside the impugned order of the Fourth Respondent in Na.Ka.A1/1357/09, dated 25.03.2009 (insofar as it relates to the Petitioner's lands in S.No.65/26 at Kalanivasal Village, Karaikudi Taluk, Sivagangai District) and quash the same to secure the ends of justice. Apart from that, this Court further directs that when the Petitioner presents the document/s for registration, if the same is/are in order and in accordance with Law, then, the Sixth Respondent shall register the same in the manner known to Law and in accordance with Law. Consequently, connected Miscellaneous Petitions are closed. No costs.

8. Before parting with the case, it is abundantly made clear by this Court that it is open to the Petitioner to take advantage of the proceedings of the Fourth Respondent in Reference No.ROC.A1/1357/2009, dated 10.09.2015, if he so desired/advised.

Sd/

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To

1. The Principal Secretary and Commissioner of Land Administration, Government of Tamil Nadu, Chepauk, Chennai.
2. The Inspector General of Registration, No.100, Santhome High Road, Chennai-28.
3. The District Collector, Sivagangai District, Sivagangai.
4. The Revenue Divisional Officer, Devakkottai, Karaikudi Taluk, Sivagangai District.
5. The District Registrar, Karaikudi, Sivagangai District.
6. The Sub-Registrar, Karaikudi, Sivagangai District.

+1CC to M/S. R.Boomirajan, Advocate, SR.No. 35998

+1CC to the Special Government Pleader, SR.No. 35811

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