



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2016

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THE HONOURABLE **MR. JUSTICE V. BHARATHIDASAN**

W.P(MD) .No.21539 of 2016

and

W.M.P. (MD) .Nos.15398 and 15399 of 2016

S.M.Malliga

... Petitioner

Vs

1.The Revenue Divisional Officer,  
Kovilpatti Sub-Division,  
Thoothukudi District.

2.The Tahsildar,  
Ottapidaram Taluk,  
Thoothukudi District.

3.The District Registrar,  
Registration Department,  
Thoothukudi District.  
Thoothukudi.

4.The Sub-Registrar,  
Registration Department,  
Ottapidaram,  
Thoothukudi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 4<sup>th</sup> respondent dated 21.09.2016 in Ao.Thi.Moo.No.179/2016 and quash the same and consequently direct the 4<sup>th</sup> respondent to register the document of sale deed dated 31.08.2016 in respect of the land in S.No.504/1B & 505/3A situate at Panchalamkurichi Village, Ottapidaram Taluk, Thoothukudi District.

For petitioner  
For Respondents

: Mr.S.Ramasamy  
: Mr.V.Muruganandham  
Additional Govt.Pleader

**ORDER**

Challenging the order passed by the 4<sup>th</sup> respondent/Sub-Registrar, refusing to register the petitioner's document on the ground that as per the Circular, issued by the Tahsildar,



Ottapidaram, without obtaining the No Objection Certificate from the first respondent/Revenue Divisional Officer, Kovilpatti, the document cannot be registered, the present writ petition has been filed.

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2. According to the petitioner, he purchased a property in Sy.Nos.504/1B and 505/3A, situate at Panchalamkurichi village, Thoothukudi District through registered sale deeds in Document Nos.887 and 2474 of 2007 on the file of the fourth respondent. Now, the grievance of the petitioner is that on 21.09.2016, when he executed a sale deed in favour of one B.Radha, W/o.Kingstone and the same was presented before the fourth respondent for registration, the same was returned by the impugned order, dated 21.09.2016. Aggrieved against the same, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that in a similar circumstance, a similar order passed by the Sub-Registrar was challenged before this Court and this Court in W.P.(MD).No.17060 of 2015, dated, 16.10.2015, passed an order setting aside the order passed by the first respondent.

4.A perusal of the order passed in W.P.(MD).No.17060 of 2015, dated 16.10.2015 shows that the learned counsel for the petitioner therein was also a party in the said order and the relevant portion in the said order, reads as follows:

"2.1.It is the further case of the petitioner that as per the settled law, the Registrar should register the documents if the same is properly produced before the Sub-Registrar concerned. But, in the case on hand, the Sub-Registrar refused to register the document by referring the communication of the Revenue Divisional Officer, Kovilpatti, dated 27.08.2013 stating that the document should not be registered without obtaining 'No Objection Certificate' from him. The further case of the petitioner is that on 12.04.2013, a sale deed No.1700/2014 was registered by the same Sub-Registrar. In this regard, it has been further contended that when the same objection was raised by the Tahsildar for registration of document of one Saravana Kumar, the said Saravana Kumar had filed an original suit in O.S.No.397 of 2013, on the file of the learned Additional District Munsif Court, Tuticorin. The said suit ended in favour of the said Saravanakumar. As against the said suit, no appeal was filed by the respondents therein. However, the document presented by the said Saravana Kumar was not registered by the respondents therein. Therefore, he approached this Court by way of a writ petition in W.P.(MD).No.13583 of 2015. This Court, by an order dated 31.07.2015, made in W.P.(MD).NO.13583 of 2015 directed the respondents therein to register the document.



2.2.To back up his averment, the learned counsel for the petitioner placed a judgment of this Court reported in (2008) 1 MLJ 342, **R.Sreedhar Vs. Registering Officer (District Registrar)**, wherein, it has been held as follows:

"It is for the revenue authority to decide about the issuance or rejection of patta in respect of poromboke water pond and the registering authority has no power to withhold a sale deed and deny registration."

3.Keeping the submissions made on either side, I find that if the document is properly stamped and when there is no impediment to register the same, the Sub-Registrar cannot deny to register the document in question. Hence, following the earlier order of this Court made in W.P.(MD).No.13583 of 2015, dated 31.07.2015, this Writ Petition stands disposed of with a direction that the petitioner shall produce the necessary documents to the satisfaction of the fourth respondent, who in turn shall consider the same and thereafter, proceed with the registration and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed."

4.Regarding the orders passed by this Court, the learned Additional Government Pleader appearing for the respondents has not disputed the same.

5.Following the earlier order passed by this Court in W.P.(MD).No.37060 of 2015, dated 16.10.2015, this Court is of the view that the impugned order passed by the fourth respondent, dated 21.09.2016 is set aside. The fourth respondent/Sub-Registrar, Ottapidaram, Thoothukudi District is directed to register the document, presented by the petitioner on 21.09.2016, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition is ordered. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar

/True Copy/

Sub Assistant Registrar



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Thoothukudi District.

+1cc to Mr.S.Ramasamy Advocate Sr.No. 72353

+1cc to Spl.Government Pleader Sr.No. 72698

JAM/27.12.16/RR/ 4p-7c

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