



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.10.2016
CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) Nos. 7875 to 7880 of 2016
and W.M.P (MD) Nos. 6486 to 6491 of 2016

R. Saravanakumar ... Petitioner in all WPs.

Vs.

1. The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

2. The Thasildar,
Ottapidaram Taluk,
Thoothukudi District.

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

... Respondents in all WPs.

Prayer in WP (MD). 7875/2016 : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.A2/196/2013, dated 27.08.2013 passed by the second respondent and consequently impugned order bearing No.A.Thi.Mu.No.67/2016, dated 12.04.2016 passed by the third respondent and quash the same and consequently to direct the third respondent to register a sale deed, dated 12.04.2016 presented by the petitioner.

Prayer in WP (MD). 7876/ 2016: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records recording the impugned order Na.Ka.No.A2/196/2013 dated 27.08.2013 passed by the 2nd respondent and consequently impugned order bearing No.A.Thi.Mu.No.63/2016 dated 06.04.2016 passed by the 3rd respondent and quash the same and consequently to direct the 3rd respondent to register a sale deed dated 06.04.2016 presented by the petitioner.

Prayer in WP (MD). 7877/ 2016: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records recording the impugned order Na.Ka.No.A2/196/2013 dated 27.08.2013 passed by the 2nd respondent and consequently impugned order bearing



No.A.Thi.Mu.No.64/2016 dated 11.04.2016 passed by the 3rd respondent and quash the same and consequently to direct the 3rd respondent to register sale deed dated 11.04.2016 presented by the petitioner.

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Prayer in WP(MD). 7878/ 2016: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS call for the records recording the impugned order Na.Ka.No.A2/196/2013 dated 27.08.2013 passed by the 2nd respondent and consequently impugned order bearing No.A.Thi.Mu.No.69/2016 dated 13.04.2016 passed by the 3rd respondent and quash the same and consequently to direct the 3rd respondent to register a sale deed dated 13.04.2016 presented by the petitioner.

Prayer in WP(MD). 7879/ 2016: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records recording the impugned order Na.Ka.No.A2/196/2013 dated 27.08.2013 passed by the 2nd respondent and consequently impugned order bearing No.A.Thi.Mu.No.62/2016 dated 06.04.2016 passed by the 3rd respondent and quash the same and consequently to direct the 3rd respondent to register a sale deed dated 06.04.2016 presented by the petitioner.

Prayer in WP(MD). 7880/ 2016: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records recording the impugned order Na.Ka.No.A2/196/2013 dated 27.08.2013 passed by the 2nd respondent and consequently impugned order bearing No.A.Thi.Mu.65/2016 dated 11.04.2016 passed by the 3rd respondent and quash the same and consequently to direct the 3rd respondent to register a sale deed dated 11.04.2016 presented by the petitioner.

For Petitioner in all WPs. : Mr.S.Anwar Sameem
for Mr.V.Malaiyendran

For Respondents in all WPs. : Mr.K.Mahesh Raja
Government Advocate

COMMON ORDER

The petitioner in all the Writ Petitions challenged the order passed by the second respondent/Thasildar requesting the third respondent/Sub-Registrar not to register any documents without getting NOC from the Revenue Divisional Officer in respect of the properties involved in the registration.



2. According to the petitioner, originally the petitioner's vendor purchased the property from the descendents of Veerapandiya Kattabomman on 28.02.2005 and thereafter, the petitioner purchased the property on 12.04.2016.

WEB COPY

3. As per the communication sent by the second respondent, the above lands were originally assigned to the heirs of Veerapandiya Kattabomman as house sites and for agricultural purpose and the assignees have no right to sell the property. Hence, the second respondent sent the above communication, based on that, the third respondent returned the documents directing the petitioner to get NOC from the Revenue Divisional Officer, Kovilpatti. Challenging both the orders, the present Writ Petitions have been filed.

4. The second respondent has filed his counter and stated that the lands are originally assigned to the legal heirs of Veerapandia Kattabomman for using as house sites and for agricultural purpose. Since there is a violation in the condition of assignment, the Government has taken steps to revert back the lands to the Forest Department. In the said circumstances, pursuant to the circular, dated 25.01.1978, the second respondent directed the third respondent not to entertain any documents for registration relating to the lands in Panchalankurichi and P.Duraisampuram Villages, without production of NOC from the Revenue Divisional Officer, Kovilpatti.

5. The learned counsel for the petitioner submits that in a similar circumstances, in a writ petition filed by the neighbouring land owner in W.P(MD)No.1960 of 2016, this Court on 17.03.2016 passed the following order:-

"5. In view of the above submission and that the impugned orders have been passed in the year 2013 and the petitioner has moved this Court only now, suffice to state that it is open to the petitioner to approach the third respondent with relevant documents to show that he has legal right to sell the property and thereafter, the third respondent will consider the same and pass appropriate orders on the same on merits and in accordance with law."

6. In the above circumstances, the petitioner is also a similarly placed person, in these Writ petitions, a similar direction is issued directing the petitioner to approach the third respondent with relevant documents to show that he has the legal right to sell the properties. On production of such documents, the learned is directed to pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



7. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/
Assistant Registrar (Records)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
2. The Thasildar,
Ottapidaram Taluk,
Thoothukudi District.
3. The Sub-Registrar,
Registration Department,
Ottapidaram,
Thoothukudi District.

+6cc to M/s.V.Malaiyendran, Advocate,
in SR No.64147,64151 to 64155.

+1cc to Special Government Pleader in SR.No.64740.

W.P (MD) Nos.7875 to 7880 of 2016
26.10.2016

ps
msm/sk-skn/18.11.16/p4/11c (IT)