



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.05.2016

CORAM

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.9112 of 2016

K.Iyer Pandian

.. Petitioner

Vs

1.The District Registrar,
O/o.The District Registrar Registration Office,
Cheranmahadevi,
Tirunelveli District.

2.The Sub-Registrar,
O/o.The Sub-Registrar Registration Office,
Pabanasam Main Road,
Vickiramasasingapuram,
Ambasamuthiram Taluk,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the Impugned Notice in Na.Ka.No. NIL-on the file of the Respondent No.2, dated 31.03.2016 and quash the same as illegal and consequently direct the Respondent No.2 to register the sale deed in document NO.20 of 2015 for the property in survey No.439/14 situated at perumal Kovil Street, Ambasamuthiram Taluk, Tirunelveli District within the time stipulated by this Hon'ble Court.

For Petitioner ... Mr.R.Rajesh Kumar
For Respondents ... Mr.S.Sathish Kumar
Addl. Govt. Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

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

3.The petitioner is aggrieved by action of the second respondent in refusing to register the documents presented by the petitioner raising two objections. Firstly, by stating that the land is a Government Poramboke Natham land and secondly, that the



petitioner has not produced necessary documents to establish the same.

4.The learned counsel for the petitioner submitted that the petitioner is in possession of the Adangal issued by the Village Administrative Officer. Further, it is seen that the second respondent has addressed the Tahsildar, Ambasamudram by proceedings dated 15.07.2015 calling for information and therefore, the petitioner would state that the action of the second respondent in refusing to register the document is illegal. In support of his contention, the learned counsel for the petitioner relied upon the decision of this Court in **R.Sreedher vas. Registering Officer (District Registrar), Office of the Sub-Registrar, Chennai and another (2008) 1 MLJ 342.**

5.The learned counsel for the petitioner further submitted that the Office of the second respondent has entertained three other documents in respect of the same survey Number and to support such stand document Nos.74/1994, 520/1997 and 445/2000 have been relied on.

6.After hearing the learned counsel for the parties and perusing the materials placed on record, this Court is of the view that the second respondent if has any doubt as regards whether the property in question is Government property, he ought to have made appropriate verification from the revenue officials and until then, the document should not have been refused to be accepted for registration, without accepting the document and returning the document on the grounds stated in the impugned order, is incorrect. According to the second respondent, if the Revenue Department has stated that the land is a Government land and there is a certificate to the said effect, then the certificate should have been furnished to the petitioner and the petitioner should have been heard and afforded an opportunity to put-forth his grievance.

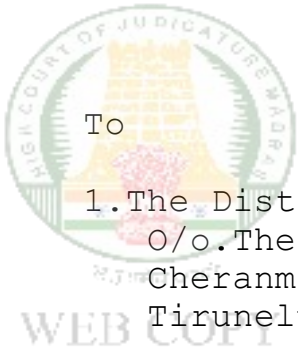
7.In the light of the above, there will be a direction to the second respondent to consider the petitioner's representation, dated 05.04.2016 and provide the copy of the said certificate issued by the Tahsildar, Ambasamudram with regard to the classification of the land, after conducting enquiry pass appropriate orders on merits, and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar/Vacation Officer

/True copy/



To

1.The District Registrar,
O/o.The District Registrar Registration Office,
Cheranmahadevi,
Tirunelveli District.

2.The Sub-Registrar,
O/o.The Sub-Registrar Registration Office,
Pabanasam Main Road,
Vickiramasingapuram,
Ambasamuthiram Taluk,
Tirunelveli District.

+1cc to Mr.R.Rajeshkumar, Advocate SR.NO.26074

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