

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10085 of 2004

and

W.P.M.P.No.11760 of 2004

1. J.Jesindha
2. A.Antony Santhanaraj .. Petitioners

Vs.

1. The District Collector,
Tuticorin District, Tuticorin.
2. The Registrar of Assurances, Tuticorin.
3. The Sub-Registrar of Assurances,
Keelur, Tuticorin. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the circular in Na.Mu.Ka.Oo.Ni.4/7295/2003, dated 27.11.2003 passed by the first respondent and to quash the same, and direct the third respondent herein to register the sale deed, if presented by the petitioners, in respect of their lands bearing Survey No.227 in Mappillaiyurani Village, Tuticorin Taluk and District, to an extent of 75 cents, either in whole or in part.

For Petitioner : Mr.S.Subbiah

For Respondents : Mr.Akhil Akbar Ali, Govt. Advocate

ORDER

The petitioners have come forward with the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the circular in Na.Mu.Ka.Oo.Ni.4/7295/2003, dated 27.11.2003 passed by the first respondent and to quash the same, and direct the third respondent herein to register the sale deed, if presented by the petitioners, in respect of their lands bearing Survey No.227 in Mappillaiyurani

Village, Tuticorin Taluk and District, to an extent of 75 cents, either in whole or in part. Pending Writ Petition, the petitioners all along had the benefit of interim order of stay of the said Circular. The said Circular stipulates that to register a document, sanction from the Director of Town and Country Planning is essential. Further, the land(s) in question cannot be sold after 20.10.2016, in view of the express provision brought in by insertion of Section 22-A of the Registration Act, which was inserted by Tamil Nadu Act 2 of 2009, which came in to force on 20.10.2016. Therefore, if the petitioners have already sold the lands in question prior to 20.10.2016, then the same cannot be interfered with by this Court. But, if the petitioners have not parted with the land(s) in question, the petitioners are not entitled to the relief sought for by them in this Writ Petition, in view of the above said Section 22-A of the Registration Act. The Writ Petition is accordingly closed. No costs. The interim stay granted in W.P.M.P.No.11760 of 2004 is vacated and the said W.P.M.P. is closed.

Sd/-
Assistant Registrar

/ True copy /

Sub Assistant Registrar

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To

1. The District Collector,
Tuticorin District, Tuticorin.
2. The Registrar of Assurances, Tuticorin.
3. The Sub-Registrar of Assurances,
Keelur, Tuticorin.

+1 cc to MR.D.SATHYASRI, Advocate SR.No.68763

+1 cc to Government Pleader, High Court, Chennai-104.SR.No.69414

W.P.No.10085 of 2004

VS 11/10/17