

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.6149 OF 2004 and
W.M.P.No.7241 of 2004

Koodalingam

... Petitioner

Vs.

1. State of Tamil Nadu rep. By
Secretary to Government,
Commercial Taxes and Religious Endowments
Department, Secretariat,
Chennai-9.
2. The District Collector,
Tuticorin District,
Tuticorin.
3. The Sub-Registrar (Joint-1),
Tuticorin District, Tuticorin.
4. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-28.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records comprised in the proceedings of the 2nd respondent in Na.Mu.Ka.No.7295/2003 dated 27.11.2003 and quash the same as illegal, unconstitutional and consequently, issue a direction to the 3rd respondent to register the sale deeds presented to him by the petitioner in respect of the properties situated in Survey No.124/1A4 situate at Sankaraperi Village, Tuticorin Taluk, Tuticorin District, in terms of the clarification issued by the 4th respondent in his Circular No.42362/C1/2003 dated 09.09.2003.

For petitioner : Mr.D.Srinivasaragavan
For respondents : Mr.M.Digvijay Pandian,
Special Government Pleader

O R D E R

The prayer in the Writ Petition is to issue a Writ of Certiorarified Mandamus, to quash the proceedings of the 2nd respondent in Na.Mu.Ka.No.7295/2003 dated 27.11.2003 wherein the 2nd respondent-District Collector issued a Circular to the 3rd respondent, namely, The Sub-Registrar (Joint-1), Tuticorin District, Tuticorin, not to entertain any document for registration, if approval has not been obtained in respect of the properties from the Joint Director of Town and Country Planning.

2. The said communication has been challenged in the present Writ Petition contending that there is no jurisdiction or statutory right for the 2nd respondent to interfere with the Registration Department and when the 3rd and 4th respondents are vested with the powers by the respondent Statutes, insisting upon the petitioner to obtain 'No Objection Certificate' from the Local Bodies or Town and Country Planning is not sustainable. It is only the Controlling Authority, namely, the 4th respondent, who is having power to issue such a direction to the Registering Authority.

3. The above said issue has already been decided by this Court in W.P.No.4888/2004 dated 29.06.2010. Applying the said principles laid down by this Court as stated above, I am inclined to set aside the order passed by the 2nd respondent in Na.Mu.Ka.No.7295/2003 dated 27.11.2003.

4. Accordingly, the Writ Petition is allowed and the order passed by the 2nd respondent dated 27.11.2003 is hereby set aside. The 3rd respondent is directed to register the documents-in-question and follow the formalities contemplated under the provisions of Stamps Act and Rules framed therein. No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

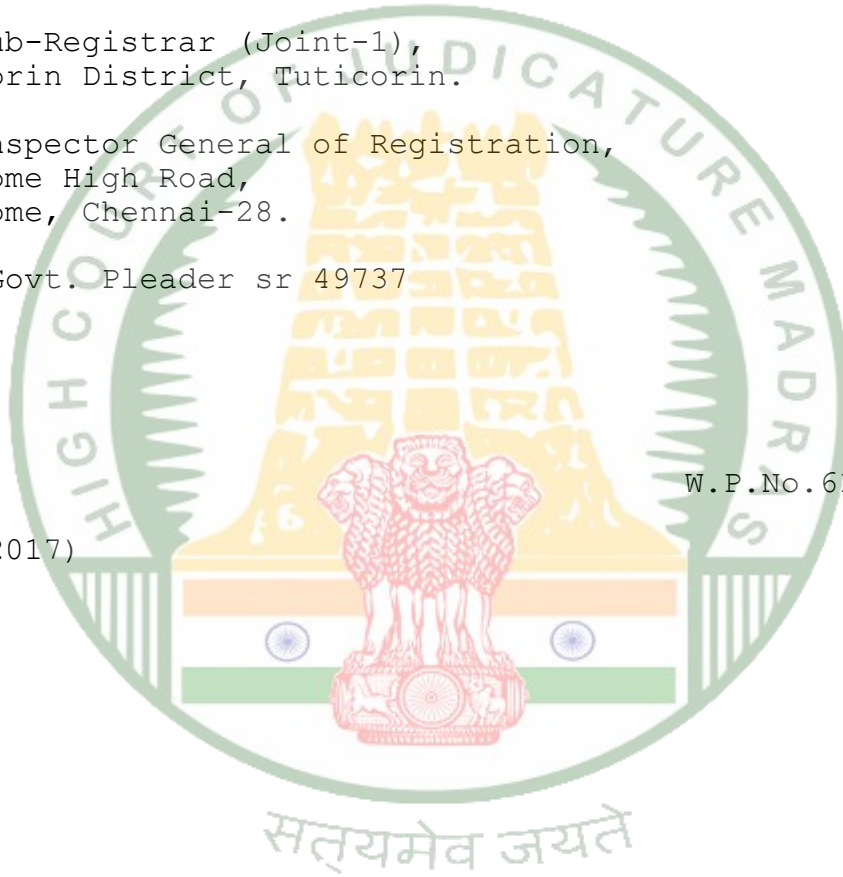
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To

1. Secretary to Government,
State of Tamil Nadu,
Commercial Taxes and Religious Endowments
Department, Secretariat,
Chennai-9.
 2. The District Collector,
Tuticorin District,
Tuticorin.
 3. The Sub-Registrar (Joint-1),
Tuticorin District, Tuticorin.
 4. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-28.
- +1 CC to Govt. Pleader sr 49737

SP(01/08/2017)

W.P.No.6149 of 2004



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