

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

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THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.Nos.8244, 8520, 8521, 8522 and 8720 of 2004
and
W.M.P.Nos.10013, 10015, and 10017 of 2004

M.Vijayal ..Petitioner in W.P.No.8244 of 2004
M.Kandasamy ..Petitioner in W.P.No.8520 of 2004
K.Manokaran ..Petitioner in W.P.No.8521 of 2004
K.Vettriselvan ..Petitioner in W.P.No.8522 of 2004
Mr.L.Subash ..Petitioner in W.P.No.8720 of 2004

Vs.

1. The State of Tamilnadu,
rep. by the Secretary to
Government, Commercial
Taxes and Religious Endowment
Department, Chennai-9.
2. The District Collector/The Inspector of Panchayats,
Pudukottai District
3. The Inspector General of Registration,
120 Santhome High Road, Santhome,
Chennai.
- 4.The Sub Registrar No.1 & 2
Pudukottai Town,
Pudukottai District ...Respondents in WP.8244/2004

WP.No.8520 of 2004:

- 1 THE STATE OF TAMIL NADU REP
BY THE SECRETARY TO GOVT. COMMERCIAL
TAXES & RELIGIOUS ENDOWMENT DEPT.
CHENNAI 9.
- 2 THE DISTRICT COLLECTOR
TUTICORIN DISTRICT TUTICORIN.
- 3 THE INSPECTOR GENERAL OF REGIS

TRATION SANTHOME HIGH ROAD
CHENNAI.

4 THE SUB-REGISTRAR
(JOIN REGIS-TRAR-I) TUTICORIN
TUTICORIN DISTRICT.

...Respondents in WP.Nos.8520 to
8522 of 2004 & 8720 of 2004

Prayer in W.P.No.8244 of 2004

Writ Petition is filed under Article 226 of The Constitution of India praying for the issuance of a writ of Certiorari, calling for the records of the second respondent passed in his proceedings Na.Ka.No.A3/3821/2003 dated 15.12.2003 and quash the same.

For Petitioner : M/s.T.Madasamy
For Respondents1 to 4 : Mr.V.Ayyathurai, AAG,
Assisted by Mr.A.Zakir Hussain,
Govt. Advocate

Prayer in W.P.No.8520 of 2004

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 entire records of the second respondent comprised in Na.Mu.Ka.Vu.Ni.4/7295/2003 dated 27.11.2003 and quash the same and direct the 4th respondent to receive and register the documents produced by the petitioner with respect to Survey No.134/2B2 to an extent of 2 acres in Sankarperi Village, Tuticorin Taluk, Tuticorin District within the Sub Registration of the 4th respondent.

For Petitioner : Mr.Ka.Raamakrishnan
For Respondents1 to 4 : Mr.V.Ayyathurai, AAG,
Assisted by Mr.A.Zakir Hussain,
Govt. Advocate

Prayer in W.P.No.8521 of 2004

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 entire records of the second respondent comprised in Na.Mu.Ka.Vu.Ni.4/7295/2003 dated 27.11.2003 and quash the same and direct the 4th respondent to receive and register the documents produced by the petitioner with respect to Survey No.134/2B1B to an extent of 90 cents in Sankarperi Village, Tuticorin Taluk, Tuticorin District within the Sub Registration of the 4th respondent.

For Petitioner : Mr.Ka.Raamakrishnan
For Respondents1 to 4 : Mr.V.Ayyathurai, AAG,
Assisted by Mr.A.Zakir Hussain,
Govt. Advocate

Prayer in W.P.No.8522 of 2004

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 entire records of the second respondent comprised in Na.Mu.Ka.Vu.Ni.4/7295/2003 dated 27.11.2003 and quash the same and direct the 4th respondent to receive and register the documents produced by the petitioner with respect to survey No.134/2BIB to an extent of 1 acre and 37 cents in Sankarperi Village, Tuticorin Taluk, Tuticorin District within the Sub Registration of the 4th respondent.

For Petitioner : Mr.Ka.Raamakrishnan
For Respondents1 to 4 : Mr.V.Ayyathurai, AAG,
Assisted by Mr.A.Zakir Hussain,
Govt. Advocate

Prayer in W.P.No.8720 of 2004

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 entire records comprised in the proceedings of the second respondent in Na.Mu.Ka.Vu.Ni.4/7295/2003 dated 27.11.2003 and quash the same as illegal, unconstitutional, consequently issue a mandamus to the 4th respondent to register deeds of conveyance presented to him in respect of the properties situated in Survey No.294/1 measuring an extent of about 3 acres 37 cents in Mulliakadu Village, Muthiahpuram Panchayat, Tuticorin District in terms of the clarification issued by the 3rd respondent in his circular No.12362/C1/2003 dated 9.9.2003.

For Petitioner : Mr.M.Bala Saravana Kumar

For Respondents1 to 4 : Mr.V.Ayyathurai, AAG,
Assisted by Mr.A.Zakir Hussain,
Govt. Advocate

COMMON ORDER

According to the petitioner, the 2nd respondent issued a letter to the Deputy Registrar not to entertain any document in respect of unapproved layout. The primary issue in this writ petition as to whether the District Collector has power to issue such letter to the registering authority governed by the Registration Act. Only the Inspector General of Registration has

power to issue any direction.

2. Heard the learned Additional Advocate General and he has fairly conceded that the District Collector has no power to issue such a direction to the registering authority and it is contrary to law. According to the guidelines, the District Collector has no power to issue such a letter to the registering authority.

3. Recording the same, these writ petitions are allowed, setting aside the order passed by the District Collector. It is open to the controlling authorities to invoke powers available under the relevant statute as against the unapproved layouts. Consequently, connected miscellaneous petition are closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamilnadu,
Commercial Taxes and Religious
Endowment Department, Chennai-9.
2. The District Collector,
Tuticorin District,
Tuticorin.
3. The Inspector General of Registration,
Santhome High Road, Santhome,
Chennai.
4. The Joint Sub Registrar-I,
Tuticorin,
Tuticorin District.
5. The District Collector /The Inspector of Panchayats
Pudukottai District

6.The Sub Registrar No.1 & 2
Pudukottai District

+1 cc to the Government Pleader sr 50146, 50149 &
50150

W.P.Nos.8244, 8520, 8521, 8522
and 8720 of 2004
and
W.M.P.Nos.10013, 10015,
10017 of 2004

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