

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.9338 OF 2004 and
W.P.M.P.No.10915 of 2004

S.Kathiya Bivee

... 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/
The Inspector of Panchayats,
Pudukkottai.
3. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-4.
4. The Sub-Registrar,
Perungaloor,
Pudukkottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the 2nd respondent passed in his proceedings Na.Ka.No.A3/3821/2003 dated 15.12.2003 and quash the same in so far as the petitioner is concerned.

For petitioner
For respondents

: Mr.R.Sankarappan
: Mr.M.Elumalai,
Government Advocate

O R D E R

The prayer in the Writ Petition is to issue a Writ of Certiorari, calling for the records of the 2nd respondent passed in his proceedings in Na.Ka.No.A3/3821/2003 dated 15.12.2003 and quash the same in so far as the petitioner is concerned.

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 respective 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 3rd 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.Ka.No.A3/3821/2003 dated 15.12.2003.

4. Accordingly, the Writ Petition is allowed and the order passed by the 2nd respondent dated 15.12.2003 is hereby set aside. The 4th respondent is directed to register the documents-in-question and follow the formalities contemplated under the provisions of the Registration Act and Stamps Act and Rules framed therein. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

tsi

To

1. Secretary to Government,
State of Tamil Nadu,
Commercial Taxes and Religious Endowments
Department, Secretariat, Chennai-9.
2. The District Collector/
The Inspector of Panchayats,
Pudukkottai.

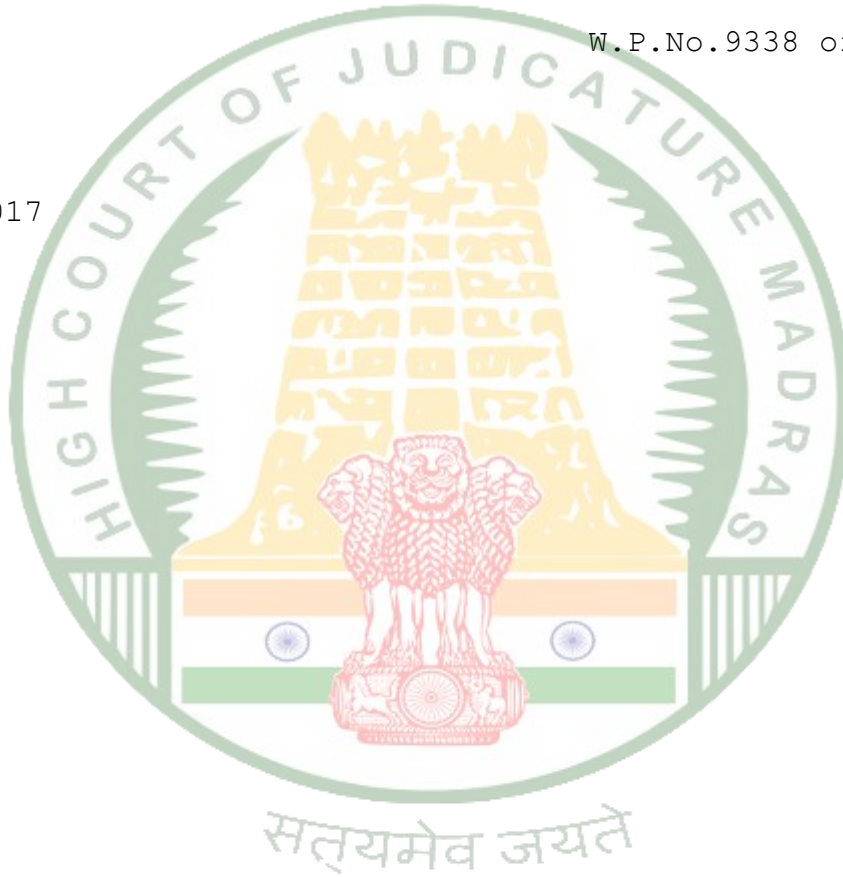
3. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-4.

4. The Sub-Registrar,
Perungaloor,
Pudukkottai District.

+1 cc to the Government Pleader sr 62866

W.P.No.9338 of 2004

ca(co)
aa10/10/2017



WEB COPY