

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14319 of 2004

M. Thangavel

.. Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Madras.
2. The District Collector,
Tuticorin District.
3. The Sub-Registrar,
Tuticorin Joint Sub-Registration Office - I,
Tuticorin Taluk,
Tuticorin.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in Na.Mu.Ka.No.4/7295/2003, dated 27.11.2003 on the file of the 2nd respondent, and quash the same and further direct the 3rd respondent to register the Sale Deeds presented by the petitioner in respect of the lands in S.Nos.104, 107, 110, 112/A, 112/C, 118 and 105 bearing New S.No.132/1 part at Ayyanadaippu Village, within the jurisdiction of Ayyanadaippu Panchayat, Tuticorin Panchayat Union, Joint Sub Registrar Office-I, Tuticorin, Tuticorin Taluk.

For Petitioner : Mr.K.Srinivasan

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

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O R D E R

The petitioner has come forward with the above Writ Petition seeking to quash the proceedings of the 2nd respondent vide Na.Mu.Ka.No.4/7295/2003, dated 27.11.2003 and further direct the 3rd respondent to register the Sale Deeds presented by him in respect of the lands in S.Nos.104, 107, 110, 112/A, 112/C, 118 and 105 bearing New S.No.132/1 part at Ayyanadaippu Village, within the jurisdiction of Ayyanadaippu Panchayat, Tuticorin

Panchayat Union, Joint Sub Registrar Office-I, Tuticorin,
Tuticorin Taluk.

2. Pending Writ Petition, the petitioner 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 lands in question cannot be sold after 20.10.2016, in view of 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 petitioner has already sold the lands in question prior to 20.10.2016, then the same cannot be interfered with by this Court. But, if the petitioner has not parted with the lands in question, the petitioner is not entitled to the relief sought by him in this Writ Petition, in view of 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.16939 of 2004 is vacated and the said W.P.M.P. is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Madras.
2. The District Collector,
Tuticorin District.
3. The Sub-Registrar,
Tuticorin Joint Sub-Registration Office - I,
Tuticorin Taluk,
Tuticorin.

W.P.No.14319 of 2004

NRJK(CO)
GN(05/10/2017)