

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17157 of 2004
and
W.P.M.P.No.20376 of 2004

Kanthasamy
Rep.by Power of Attorney, J.Mahalakshmi ... Petitioner

- Vs -

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Commercial Taxes and Religious Endowment Department,
Chennai-9.
2. The District Collector,
Tuticorin District, Tuticorin.
3. The Inspector General of Registration,,
Santhome High Road, Chennai.
4. The Sub-Registrar,
Puthukottai Sub-Registration Office,
Puthukottai, Tuticorin District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the entire records of the 2nd respondent comprised in Na.Mu.Ka.VuNi/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 (1) survey No.30/2 to an extent of 1 acre 33 cents, in Kutudankadu village, Tuticorin Taluk, Tuticorin District (2) within the Sub Registration of the 4th Respondent.

For Petitioners	:	Mr.Ka.Raamakrishnan
For Respondents	1 to 4 :	Mr.V.Ayyathurai, AAG, Assisted by Mr.A.Zakir Hussain, Govt. Advocate

O R D E R

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, this writ petition is 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 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Secretary to Government,
Commercial Taxes and Religious
Endowment Department,
Chennai-9.

2. The District Collector,
Tuticorin District, Tuticorin.

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

4. The Sub-Registrar,
Puthukottai Sub-Registration Office,
Puthukottai,
Tuticorin District.

+1 cc to the Government Pleader sr 48127

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