

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.18236 of 2004
and
W.P.M.P.No.21726 of 2004

A.Thangapandian

.. Petitioner

Vs.

1. The State of Tamilnadu
rep. by the Secretary to Government,
Commercial Taxes and Religious
Endowment Department,
Chennai-9.
2. The District Collector,
Tuticorin District,
Tuticorin.
3. Inspector General of Registration,
Santhome High Road,
Santhome, Chennai.
4. The Sub-Registrar,
Kumaragiri Village,
Pudukottai,
Thoothukudi District.

.. Respondents

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 records of the 2nd respondent comprised in Na.Mu.Ka. Vu.Ni.4/7295/2003 dated 27.11.2003 and quash the same and direct the respondent No.4 to receive and register the document produced by the petitioner in respect of Survey No.163/1B2 for Registration and release the same after due registration.

For Petitioner : Mr.A.Thiruvadikumar

For Respondents 1 to 3 & 4 : Mr.A.Zakir Hussain
Government Pleader

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. The learned counsel appearing for the respondent would submit that earlier order of this Court in W.P.No.8244 of 2004 (batch matters) dated 17.07.2017 passed similar order in the very same issue and he has fairly conceded that the 2nd respondent, 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, the Writ Petition is allowed, setting aside the order passed by the 2nd respondent, District Collector. It is open to the controlling authorities to invoke powers available under the relevant statute as against the unapproved layouts. Further, this order will not stand on the way of the Controlling Authorities to take a decision as per law. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The State of Tamilnadu
rep. by the Secretary to Government,
Commercial Taxes and Religious
Endowment Department,
Chennai-9.
2. The District Collector,
Tuticorin District,
Tuticorin.

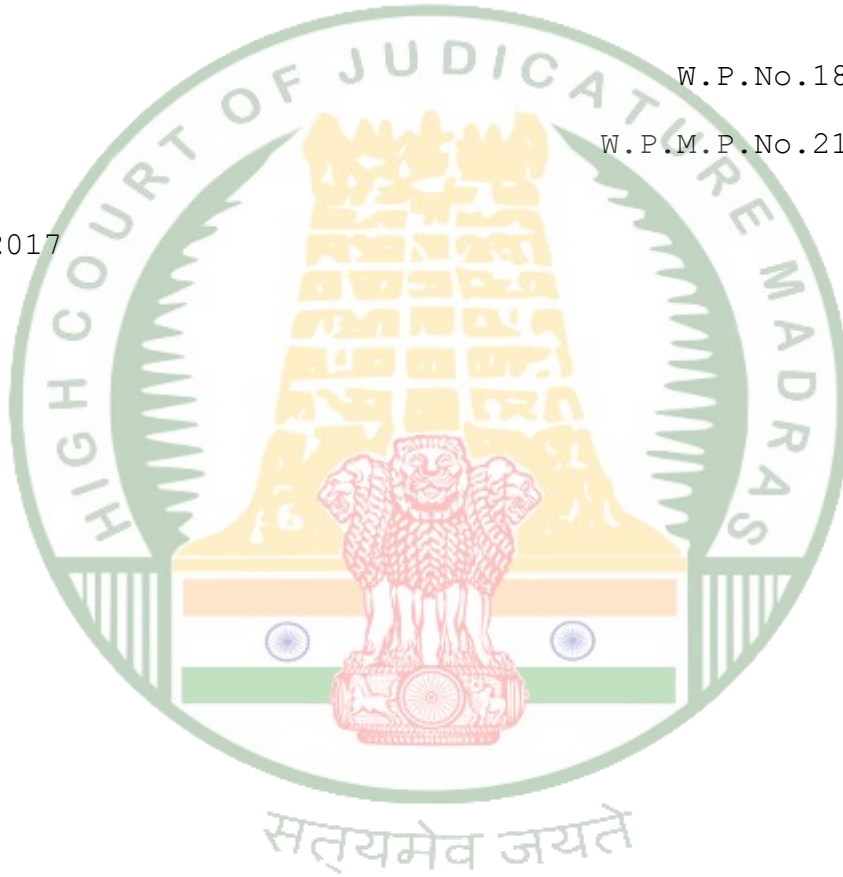
3. Inspector General of Registration,
Santhome High Road,
Santhome, Chennai.

4. The Sub-Registrar,
Kumaragiri Village,
Pudukottai,
Thoothukudi District.

+1cc to Government Pleader in sr.no.53279

W.P.No.18236 of 2004
and
W.P.M.P.No.21726 of 2004

RV(CO)
NR 24/08/2017



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