



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.13648 of 2017

Senthilkumar

... Petitioner

Vs.

1.The District Registrar (Administration)
Public Office Compound,
Pudukottai.

2.The Sub Registrar,
Viralimalai,
Illuppur Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to register documents presented by the petitioner with regard to the properties bearing S.No.173/1 measuring 0.25.5 Ares and S.No.173/6A measuring 2.11.00 Hectares of Viralimalai Village, Illuppur Taluk, Pudukkottai District without insisting No Objection Certificate by considering the petitioner's representation dated 24.11.2016.

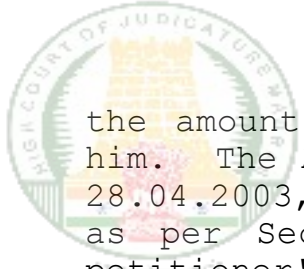
For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a Writ of Mandamus directing the second respondent to register documents presented by the petitioner with regard to the properties bearing S.No.173/1 measuring 0.25.5 Ares and S.No.173/6A measuring 2.11.00 Hectares of Viralimalai Village, Illuppur Taluk, Pudukkottai District without insisting No Objection Certificate by considering the petitioner's representation dated 24.11.2016.

2.It is stated by the petitioner that the punja lands to an extent of 0.25.5 Ares in S.No.173 /1 and to an extent of 2.14.0 Hectares in S.No.173/6 situated at Viralimalai village were given to the petitioner's forefathers as Service Inam, since the petitioner's father and his ancestors served Arulmigu Subramaniya Swamy Thirukovil, Viralimalai. Subsequently, the petitioner's father, namely, Arunachalam applied to the Special Commissioner and Director, Land Survey and Settlement, Chepauk, Chennai for fixing



the amount as per Section 21(4) of the Act and to issue patta to him. The Assistant Settlement Officer, Chennai, by his order dated 28.04.2003, has directed the Tahsildar, Illuppur to fix the amount as per Section 21(4) of the Act and collect the same from the petitioner's father and to issue patta to him. Pursuant to the said order, the Tahsildar, Illuppur passed an order dated 16.10.2003 fixing Rs.53,696/- as the amount payable under Section 21 of the Act. Immediately, the petitioner's father paid the entire amount and the Tahsildar, Illuppur by proceedings dated 10.11.2003 directed to delete the condition in the patta. Consequently, the condition to do service was deleted from the patta and absolute patta was issued to the petitioner's father. Thereafter, petitioner's father had been in possession and enjoyment of the property. Subsequently, the petitioner's father sold a portion of the property by registered document dated 10.06.2010. It is further stated that his father died on 07.05.2015 leaving the petitioner and his three sisters as his legal heirs. Subsequently, when they tried to sell a portion of the property, the second respondent has refused to register the same by stating that they have to obtain No Objection Certificate from the temple. The authorities exercising powers under the Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963, have issued absolute patta to the petitioner's father and hence, the question of obtaining NOC does not arise. Hence, the petitioner sent a representation on 24.11.2016 to the respondents. Since no reply was given, the present writ petition has been filed.

3. Though the petitioner has sought for the larger relief as above, the learned Counsel for the petitioner would submit that it would suffice, if the representation dated 24.11.2016 submitted by the petitioner may be directed to be considered by the second respondent in the light of the order passed by the Tahsildar, Illuppur Taluk, Pudukkottai District, in Na.Ka.P1.No.2525/2003 dated 10.11.2003.

4. Heard the learned Counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents who would submit that if a reasonable time is granted to the second respondent, appropriate orders will be passed on the representation of the petitioner.

5. In view of the above submission and also considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the second respondent to consider the representation of the petitioner dated 24.11.2016 and pass appropriate orders on its own merits and in accordance with law, in the light of the order passed by the Tahsildar, Illuppur Taluk, Pudukkottai District, in Na.Ka.P1.No.2525/2003 dated 10.11.2003, after affording due opportunity of hearing to the petitioner as well as interested parties, if any, within a period of four weeks from the date of receipt of a copy of this order.



6. The writ petition is disposed of as above. No costs.

Sd/-
Assistant Registrar(Writs)

/True Copy/

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Sub Assistant Registrar

To

1.The District Registrar (Administration)
Public Office Compound,
Pudukottai.

2.The Sub Registrar,
Viralimalai,
Illuppur Taluk,
Pudukkottai District.

+1cc to Mr.P.T.RAMESH RAJA Advocate in SR. No.67344

SKN

JS/GT/SAR.2/17.08.2017/ 3P-4C

W.P(MD)No.13648 of 2017

24.07.2017