



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.16703 of 2017

Akbar Naina

..Petitioner

.vs.

1.TheTahsildar,
Karaikudi,
Sivagangai District.

2.The Joint II Sub-Registrar,
Karaikudi, Sivagangai District.

3.The Special Tahsildar,
The Tamil Nadu Boomitha Officer,
Chennai-5.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to register the document of the questioned property within the time frame stipulated by this Court.

(Prayer amended as per order of this Court made in W.M.P(MD) No.13486 of 2017 in W.P(MD)No.16703 of 2017, dated 21.09.2017)

For Petitioner :Mr.RM.Arun Swaminathan
for M/s.Chettinad Legal Solutions

For Respondents :Mr.G.Muthukannan
Government Advocate

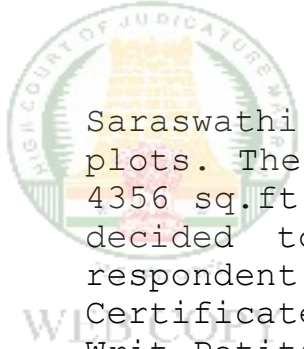
ORDER

The Petitioner seeks for issuance of a Writ of Mandamus directing the second respondent to register the document of the Petitioner's property within a time frame fixed by this Court.

2.Heard the submissions made by Mr.RM.Arun Swaminathan, learned counsel for the Petitioner, and Mr.G.Muthukannan, learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The case of the Petitioner is that the land measuring an extend of 11 acres and 93 cents in S.No.138/1 situated at Devi



Saraswathi Nagar, Amaravathiputhur, Karaikudi, was divided into 91 plots. The Petitioner purchased two plots measuring an extent of 4356 sq.ft under a registered sale deed No.1471 of 1995. When he decided to sell the property to a third party, the second respondent insisted the Petitioner to obtain No Objection Certificate from the first respondent. Hence he filed the present Writ Petition.

4.Mr.RM.Arun Swaminathan, learned counsel for the Petitioner would submit that the original owners of the property in S.No.138/1 had filed a suit in O.S.No.448 of 1967 for declaration and permanent injunction against the Government mainly contending that the Boomithan Board has no right over the property. The trial Court after contest decreed the suit by its judgement and decree, dated 30.11.1979..The judgement of the trial Court has reached its finality.. But in the meanwhile, the first respondent has given his objection before the second respondent for registration of documents with regard to S.No.138/1. Hence the second respondent has insisted the Petitioner to obtain No Objection Certificate from the first respondent.

5.It is further contended that one of the owners in S.No.138/1 namely, Guruchandran filed a Writ Petition in W.P.No.12483 of 2016 Challenging the objection letter given by the Tahsildar and sought for a direction to register the sale deed. This Court in an elaborate judgement, has quashed the order of the Tahsildar and also issued direction to the Sub-Registrar to register the document by order, dated 25.7.2016. The order of this Court was implemented by the Second Respondent.

6.It is not in dispute that the letter of objection of the First Respondent was quashed by this Court in the earlier Writ Petition. Hence there may not be any impediment for registration of document relating to the property in dispute,if it is otherwise in order.

7.In view of the above undisputed facts, I am of the opinion that the Petitioner is entitled to succeed in this Writ Petition. Hence, this Writ Petition is allowed and the second respondent is directed to register the sale deed presented by the Petitioner with regard to his property in S.F.No.138/1, Amaravathiputhur Village, Karaikudi on his fulfilment of other conditions. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/



To

1.The Tahsildar,
Karaikudi,
Sivagangai District.

2.The Joint II Sub-Registrar,
Karaikudi, Sivagangai District.

3.The Special Tahsildar,
The Tamil Nadu Boomitha Officer,
Chennai-5.

+1CC to Mr.RM.Arun Swaminathan, Advocate, SR.No. 80295

W.P(MD)No.16703 of 2017
21.09.2017

vsn

AM/SV MMS/SAR 1/11.10.2017/3P/5C