



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)Nos.18853 & 18882 of 2017

R.Saravanakumar ... Petitioner in both petitions

Vs.

1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Ottapidaram Taluk,
Ottapidaram,
Thoothukudi District.

3.The Sub Registrar,
Registration Department,
Ottapidaram,
Thoothukudi District.

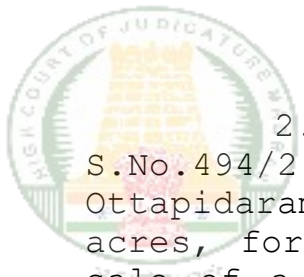
... Respondents in both petitions

COMMON PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in Na.Ka.No. A2/196/2013, dated 27.08.2013 passed by the 2nd respondent and impugned orders bearing No.A.Thi.Mu.No.173/2017, dated 28.09.2017 and No.A.Thi.Mu.No.173/2017-1, dated 03.10.2017, respectively, passed by the 3rd respondent and quash the same as illegal and consequently to direct the 3rd respondent to register Sale Deeds dated 28.09.2017 presented by the petitioner.

For Petitioner : Mr.V.Malaiyendran in both WP's
For Respondents : Mr.M.Alagathevan,
Special Government Pleader
(In both petitions)

COMMON ORDER

These writ petitions have been filed by the petitioner seeking a Writ of Certiorarified Mandamus to quash the impugned order of the second respondent dated 27.08.2013 and the impugned check slip of the third respondent dated 28.09.2017 and 03.10.2017, respectively, and to direct the third respondent to register Sale Deeds dated 28.09.2017 presented by the petitioner.



2. According to the petitioner, the property comprised in S.No.494/2 & 492/3, respectively, in Panchalankurichi Village, Ottapidaram Taluk, Tuticorin District, measuring an extent of 3 acres, formed part of an assigned land. Subsequently there was a sale of a portion of the said assigned lands and the petitioner had also purchased a portion of the same. Later when the petitioner proceeded to sell the same and presented the deed for registration, it was returned and the third respondent issued the impugned check slips dated 28.09.2017 and 03.10.2017, respectively, which are based on the impugned communication of the second respondent, dated 27.08.2013. It is the case of the petitioner that he has already filed a suit in O.S.No.397 of 2013 on the file of the Additional District Munsif Court, Thoothukudi and the matter ended in his favour. Therefore, no restriction can be introduced later, but citing Government Order dated 25.01.1978, certain issues were raised and hence, these present writ petitions came to be filed.

3. Heard the learned Counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

4. This Court, in similar circumstances, in *R.Saravanakumar vs. The District Revenue Officer, Thoothkudi District, Thoothukudi and others in W.P.(MD)No.13583 of 2015*, passed an order dated 31.07.2015, wherein, it is held as follows:

..."4.Admittedly, the civil suit ended in favour of the petitioner, relating to the issue on hand. Thereafter no appeal was filed and the decree passed by the Civil Court became final. When the petitioner proceeded to sell the property, the registration was denied by the authorities citing the dispute, which is impermissible in law.

5.The learned Additional Govt. Pleader appearing for the respondents submitted that necessary Court Order copies be placed before the authorities by the petitioner, on which basis there should not be any impediment for the authority to register the document.

6.In view of the above submission made by the learned Additional Govt. Pleader, the petitioner is directed to produce necessary documents to the satisfaction of the third respondent and the third respondent shall consider and thereafter proceed with the registration. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order." ...



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6. Following the same, these writ petitions are disposed of, directing the petitioner to produce necessary documents to the satisfaction of the third respondent, forthwith, who in turn is directed to consider and proceed with the registration, within a period of four weeks thereafter. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Ottapidaram Taluk,
Ottapidaram,
Thoothukudi District.

3.The Sub Registrar,
Registration Department,
Ottapidaram,
Thoothukudi District.

+2ccs to Mr.V.Malaiyendran, Advocate, SR.Nos.83567 and 83568

gk

RL/6C/3P/SV/MMS/SAR1/3/11/2017

W.P. (MD) Nos.18853 & 18882 of 201725/10/2017