



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No. 2317 of 2017

K.Iyar Pandian

... Petitioner

vs.

1. The District Registrar,
O/o The District Registrar, Registration Office,
Cheranmahadevi,
Tirunelveli District.

2. The Sub-Registrar,
O/o The Sub Registrar Registration Office,
Pabanasam Main Road,
Vickiramasingapuram,
Ambasamuthiram Taluk,
Tirunelveli District.

... Respondents

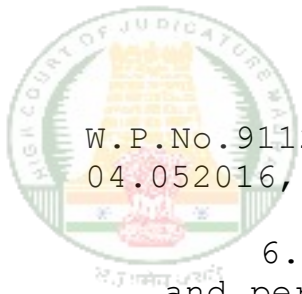
Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the first respondent to pass any appropriate orders, based on the representation made by the petitioner dated 19.12.2016 and to take necessary action to register the sale deed in deed No.20 of 2015 pending before the second respondent for the property in Survey No.439 of 2014 situated at Perumalkovil Street, Ambasamuthiram Taluk, Tirunelveli District within the time stipulated by this Court.

For Petitioner	: Mr.S.Lenin Prabu
For Respondents	: Mr.T.S.Mohamed Mohideen Additional Government Pleader

O R D E R

By consent of both parties, the writ petition itself is taken up for final hearing.

2. The petitioner had purchased the property in Survey No.439, Ward No.4, Block No.8 in Peruamalkovil Street, Ambasamuthiram Taluk, through the sale deed in Document No.20 of 2016. The second respondent had refused to register the sale deed on the ground that the land which was sought to be purchased is a Government Poramboke land. Hence, the petitioner has filed a writ petition in



W.P.No.9112 of 2016 before this Court and by an order dated 04.05.2016, it was held as follows:

6. After hearing the learned counsel for the parties and perusing the materials placed on record, this Court is of the view that the second respondent if has any doubt as regards whether the property in question is Government property, he ought to have made appropriate verification from the revenue officials and until then, the document should be have been refused to be accepted for registration, without accepting the document and returning the document on the grounds stated in the impugned order, is incorrect. According to the second respondent, if the Revenue Department has stated that the land is a Government land and there is a certificate to the said effect, then the certificate should have been furnished to the petitioner and the petitioner should have been heard and afforded an opportunity to put-forth his grievance.

7. In the light of the above, there will be a direction tot he second respondent to consider the petitioner's representation, dated 05.04.2016 and provide the copy of the said certificate issued by the Tahsildar, Ambasamudram with regard to the classification of the land, after conducting enquiry pass appropriate orders on merits, and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

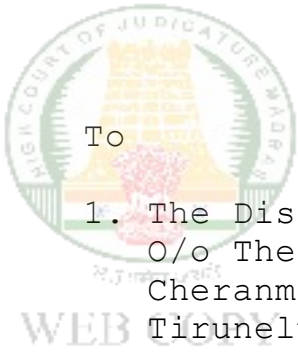
3. Pursuant to the order of this Court, the second respondent had passed an order, dated 09.11.2016, directing the petitioner to file an appeal before the first respondent. Accordingly, the petitioner had filed an appeal, on 19.12.2016, before the first respondent and since the same has not been considered till date, the present writ petition has been filed.

4. In view of the limited prayer sought for in the writ petition, without going into the merits of the claim made by the petitioner, there shall be a direction to the first respondent to consider the petitioner's representation, dated 19.12.2016, on its own merits and in the light of the observations made in this writ petition and pass orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(Record)



To

1. The District Registrar,
O/o The District Registrar, Registration Office,
Cheranmahadevi,
Tirunelveli District.

2. The Sub-Registrar,
O/o The Sub Registrar Registration Office,
Pabanasam Main Road,
Vickiramasingapuram,
Ambasamuthiram Taluk,
Tirunelveli District.

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.7947

akv

SM:BS-MR:24.02.2017:3p/4c

W.P. (MD) No.2317 of 2017
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