



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2017

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WEB COPY

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.754 of 2017

K.Krishnasamy

... Petitioner

-vs-

- 1.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 2.The District Educational Officer,
Tirunelveli District,
Tirunelveli.
- 3.The District Registrar,
Tenkasi,
Tirunelveli District.
- 4.The Sub Registrar,
Veerasikamani,
Tirunelveli District.
- 5.Hindu Nadar Uravin Murai Committee
Higher Secondary School,
rep.by its President,
Veerasikamani (via)
Ariyanayagipuram,
Kadaiyanallur Taluk,
Tirunelveli District.
- 6.Hindu Nadar Uravin Murai Committee
Higher Secondary School,
rep.by its Secretary,
Veerasikamani (via), Ariyanayagipuram,
Kadaiyanaallur Taluk,
Tirunelveli District.

7.C.Vaithiyalingam

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

... Respondents



Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for record pertaining to Impugned Order of the Respondent No.3 in Petition No.14/2016 dated 14.11.2016 and quash the same as illegal and consequently direct the Respondents Nos.2 & 3 to cancel the registration of lease deed executed in favour of the Respondent No.7 by the Respondent No.8 regarding school properties in Survey Nos. 849/19, 849/20, 849/22 belong to Hindu Nadar Uravin Murai Committee Higher Secondary School situated Ariyanayakipuram, Veerasikamani Via Kadayanalor Taluk, Tirunelveli District and consequently direct the second respondent to take action to register a criminal case against the respondents 7 and 8.

For Petitioner	: Mr.T.Lajapathi Roy
For RR - 1 to 4	: Mr.M.Govindan Special Government Pleader
For RR - 5 & 6	: Mr.D.Nallathambi
For R - 7	: Mr.G.Mohankumar

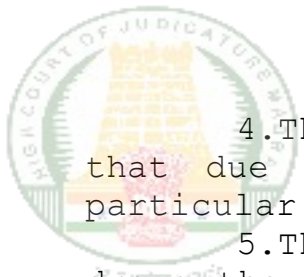
O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order dated 14.11.2016 passed by the third respondent in Petition No.14/2016 and quash the same and also for directing the respondents 2 and 3 to cancel the registration of lease deed executed in favour of the seventh respondent by the eighth respondent in respect of the Survey numbers mentioned therein by way of issuing a Writ of Certiorarified Mandamus.

2.The learned counsel appearing for the petitioner has contended that the survey numbers mentioned in the petition are the absolute properties of sixth respondent, wherein the eighth respondent is not having any semblance of right, title and interest. The eighth respondent has executed a lease deed in favour of the seventh respondent. Under the said circumstances, a representation has been given to the respondents 2 and 3. But the third respondent has passed the impugned order dated 14.11.2016 and in order to quash the same, the present Petition has been filed.

3.It is seen from the records that the survey numbers mentioned in the petition are the absolute properties of sixth respondent. The main contention put forth on the side of the petitioner is that the eighth respondent is not having any right, title and interest over the same. But he voluntarily executed a lease deed in favour of the seventh respondent.



4.The third respondent in the impugned order has stated that due to reasons given in the petition, registration of a particular document cannot be staled nor restricted.

5.The learned counsel appearing for the petitioner has drawn the attention of the Court to Section 31 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and the same deals with restriction of alien of property of private school.

6.In the instant case, the Court has to see as to whether the third respondent can be restrained in registering a particular document?

7.As per the contention put forth on the side of the petitioner, the eighth respondent is not having *locus standi* to create any document in favour of anybody touching the properties mentioned in the petition.

8.It has already been pointed out that the properties mentioned in the petition are the absolute properties of the sixth respondent. Therefore, any document created by anybody in respect of the properties mentioned in the petition is not binding upon the sixth respondent. Further, if a document is in proper form, after paying stamp duty, the registering authority is bound to register the same. Under the said circumstances, the order passed by the third respondent cannot be quashed. If at all the petitioner is interested in the properties mentioned in the petition, he can very well move the civil Court to work out his remedy and therefore, viewing from any angle, this Writ Petition deserves to be dismissed.

9.In fine, this Writ Petition is dismissed without cost. Consequently, WMP(MD)No.615 of 2017 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Chief Educational Officer, Tirunelveli District,
Tirunelveli.

2.The District Educational Officer,Tirunelveli District,
Tirunelveli.

3.The District Registrar, Tenkasi, Tirunelveli District.

4.The Sub Registrar, Veerasikamani, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.11569

+1 CC TO MR.D.NALLATHAMBI,ADVOCATE,SR NO.11051

+1 CC TO MR.T.LAJAPATHI ROY,ADVOCATE,SR NO.11032

mj

RL/8C/3P/BS/9.3.2017

W.P(MD) No.754 of 2017

27.02.2017