

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07-12-2018

CORAM
THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos12850 and 12851 of 2004
And
W.P.M.P.Nos.14971 and 14973 of 2004

T.Muthukumarasamy ...Petitioner in WP 12850/2004
S.Senthuramalingam ...Petitioner in WP 12851/2004

Vs

State of Tamil Nadu
Represented by the Secretary to Government,
Commercial Taxes and Religious
Endowment Department,
Secretariat,
Fort St. George,
Chennai-600 009.R-1 in both WPs

The District Collector,
Tuticorin District,
Tuticorin-628 001R-2 in both WPs

The President,
Keelavalanadu Panchayat,
Tuticorin Taluk,
Tuticorin District.R-3 in WP 12850/2004
(R-3 cause title amended as per Order of Court
dated 22.9.2004 in WPMP 32445 of 2004)

The President,
Tuticorin Panchayat Union,
Tuticorin District.R-3 in WP 12851/2004

The Sub Registrar,
Murappa Nadu,
Tuticorin District.R-4 in WP 12850/2004
(R-4 cause title amended as per Order of Court
dated 22.9.2004 in WPMP 32445 of 2004)

The Sub Registrar,
Melur Chidambara Nagar,
Tuticorin DistrictR-4 in WP 12851/2004

The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai-600 028.

...R-5 in both WPs

WP No.12850 of 2004 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records comprised in the proceedings of the second respondent in Na.Mu.Ka.No.4/7295/2003 dated 27.11.2003 and quash the same as illegal, unconstitutional and consequently issue a Mandamus to the third respondent to issue a 'No Objection Certificate' so as to enable the fourth respondent to register the Sale Deeds presented to him in respect of the properties situated in Survey Nos.712/1, 713, 714/2 to 714/15, 720/1A, 1B situate at Keelavala nadu Panchayat, Srivaigundam Taluk, Village No.8, Theyvacheyalpuram, Tuticorin Taluk, Tuticorin District and consequently direct the fourth respondent to register the said Sale Deeds in respect of the properties situated in Survey No.780, at Meelavittan Panchayat, Mahalingapuram Village, Tuticorin Taluk, Tuticorin District.

WP No.12851 of 2004 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records comprised in the proceedings of the second respondent in Na.Mu.Ka.No.4/7295/2003 dated 27.11.2003 and quash the same as illegal, unconstitutional and consequently issue a Mandamus to the third respondent to issue a 'No Objection Certificate' so as to enable the fourth respondent to register the Sale Deeds presented to him in respect of the properties situated in Survey No.780, at Meelavittan Panchayat, Mahalingapuram Village, Tuticorin Taluk, Tuticorin District and consequently direct the fourth respondent to register the said Sale Deeds in respect of the properties situated in Survey No.780, at Meelavittan Panchayat, Mahalingapuram Village, Tuticorin Taluk, Tuticorin District.

For Petitioner in both Wps : Mr.Rahul Balaji

For Respondent-1 in both Wps : Mr.M.Maharaja,
Special Government Pleader
(HR&CE).

For Respondents-2&3 in both WPs: Ms.R.Janaki,
Additional Government Pleader

For Respondents-4&5 in both WPs: Mr.P.P.Purushothaman,
Government Advocate.

C O M O N O R D E R

The learned counsel, appearing on behalf of the writ petitioner made a submission that the Government Order in G.O.Ms.No.150, dated 22.9.2002, which is the subject matter was already quashed by this Hon'ble Court in WP Nos.7426 and 7427 of 2004 dated 6.4.2018.

2. The facts and the circumstances in the present writ petitions are also similar to that of the facts and circumstances in the writ petitions viz., WP Nos.7426 and 7427 of 2004 dated 6.4.2018, cited above. Thus, the issues are covered and accordingly, the order passed by this Court on 6.4.2018 is to be followed in respect of the issues raised in the present writ petitions.

3. Accordingly, the present writ petitions stand allowed and the order passed by the second respondent in proceeding dated 27.11.2003 stands quashed. The writ petitioners are at liberty to approach the Competent Authorities for further proceedings for the registration of the documents in accordance with law. In the event of presenting any such documents by the writ petitioners, the same shall be considered by following the procedures contemplated under the law.

4. Accordingly, the writ petitions stand allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Secretary to Government,
State of Tamil Nadu
Commercial Taxes and Religious
Endowment Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Tuticorin District,
Tuticorin-628 001

3.The President,
Keelavalanadu Panchayat,
Tuticorin Taluk,
Tuticorin District.

4.The President,
Tuticorin Panchayat Union,
Tuticorin District.

5.The Sub Registrar,
Murappa Nadu,
Tuticorin District.

6.The Sub Registrar,
Melur Chidambara Nagar,
Tuticorin District.

7.The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai-600 028.

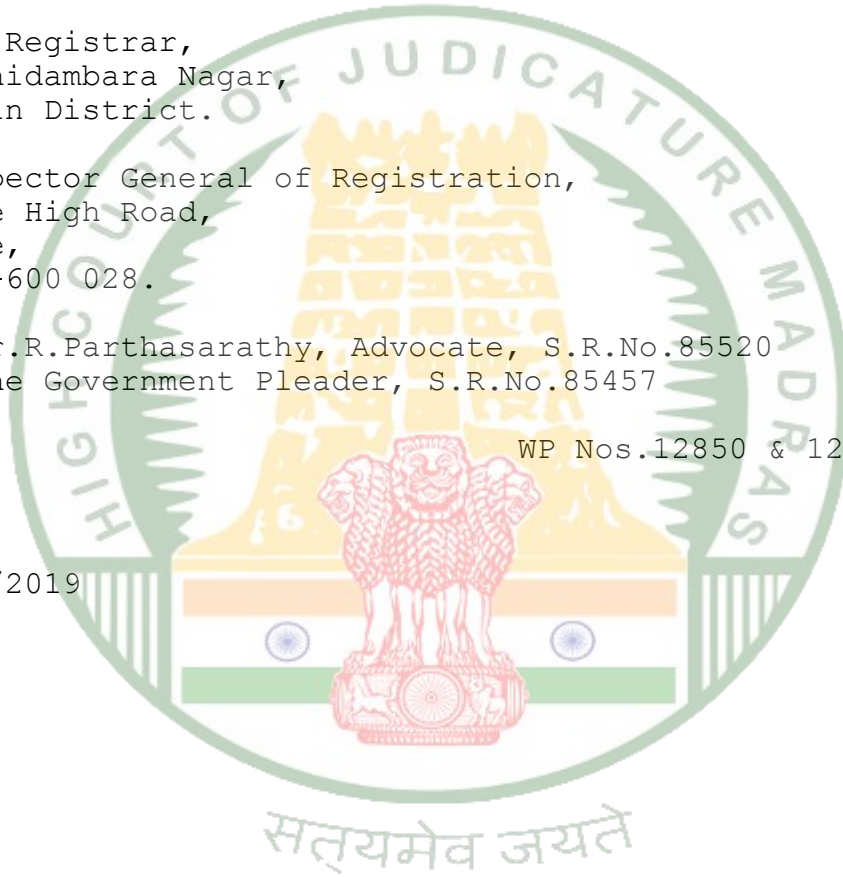
+lcc to Mr.R.Parthasarathy, Advocate, S.R.No.85520

+lcc to the Government Pleader, S.R.No.85457

WP Nos.12850 & 12851 of 2004

RJI (CO)

rrs 04/01/2019



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