



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P.(MD) No.17529 of 2017

1.S.Anthony Raj

2.S.Jeseeph Raj

... Petitioners

vs.

1.The Revenue Divisional Officer,
Kovilpatti Sub-Division, Thoothukudi District.2.The Thasildar,
Ottapidaram Taluk, Thoothukudi District.3.The District Registrar,
Registration Department,
Thoothukudi, Thoothukudi District.4.The Sub-Registrar,
Registration Department,
Ottapidaram, Thoothukudi District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the fourth respondent pertaining to its proceedings bearing No.Aa.Thimu.No.159/2017 dated 31.08.2017 and to quash the same and consequently direct the fourth respondent to register the sale deed dated 29.08.2017 in respect of the land in Survey No.513/2 admeasuring 1 acre 50 cents situated at Panchalam Kurchi Village, Ottapidaram Taluk, Thoothukudi District within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

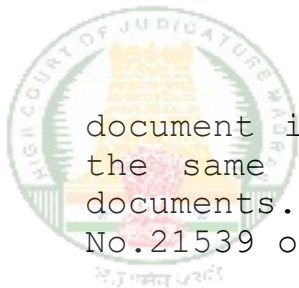
For Respondents : Mr.V.Anand (R1 & R2)
Government Advocate

Mr.Murugan (for R3 & R4)

ORDER

The impugned order is a rejection of the petitioner's document which was presented for registration, on the ground that the petitioner has not produced 'No Objection Certificate' for a ban imposed in the subject land.

<https://hcservices.courts.gov.in/hcservices/>
2. The proposition has come up for consideration before this Court in many writ petitions and while holding that if the



document is properly stamped, there is no impediment to register the same and the Sub-Registrar cannot deny the registration of documents. The relevant portion of one such order in W.P.(MD). No.21539 of 2016, dated 24.11.2016 is as follows:-

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"2.1.It is the further case of the petitioner that as per the settled law, the Registrar should register the documents if the same is properly produced before the Sub-Registrar concerned. But, in the case on hand, the Sub-Registrar refused to register the document by referring the communication of the Revenue Divisional Officer, Kovilpatti, dated 27.08.2013 stating that the document should not be registered without obtaining 'No Objection Certificate' from him. The further case of the petitioner is that on 12.04.2013, a sale deed No.1700/2014 was registered by the same Sub-Registrar. In this regard, it has been further contended that when the same objection was raised by the Tahsildar for registration of document of one Saravana Kumar, the said Saravana Kumar had filed an original suit in O.S.No.397 of 2013, on the file of the learned Additional District Munsif Court, Tuticorin. The said suit ended in favour of the said Saravanakumar. As against the said suit, no appeal was filed by the respondents therein. However, the document presented by the said Saravana Kumar was not registered by the respondents therein. Therefore, he approached this Court by way of a writ petition in W.P.(MD).No.13583 of 2015. This Court, by an order dated 31.07.2015, made in W.P.(MD).NO.13583 of 2015 directed the respondents therein to register the document.

2.2.To back up his averment, the learned counsel for the petitioner placed a judgment of this Court reported in (2008) 1 MLJ 342, R.Sreedhar Vs. Registering Officer (District Registrar), wherein, it has been held as follows:

"It is for the revenue authority to decide about the issuance or rejection of patta in respect of poromboke water pond and the registering authority has no power to withhold a sale deed and deny registration."

3.Keeping the submissions made on either side, I find that if the document is properly stamped and when there is no impediment to register the same, the Sub-Registrar cannot deny to register the document in question. Hence, following the earlier order of this Court in W.P.(MD).No.13583 of 2015, dated 31.07.2015, this Writ Petition stands disposed of with a direction that the petitioner shall produce the



necessary documents to the satisfaction of the fourth respondent, who in turn shall consider the same and thereafter, proceed with the registration and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed."

3.The above observation is self explanatory. In view of the observation made in the above order, there cannot be any impediment for the respondent to have the petitioner's registration done. Accordingly, the order of the fourth respondent in Na.Ka.No.159/2017, dated 31.08.2017 is quashed and the fourth respondent is directed to register the sale deed dated 29.08.2017 in connection with the land in S.No.513/2 admeasuring 1 acre 50 cents situated at Panchalam Kurchi Village, Ottapidaram Taluk, Thoothukudi District, if it is otherwise in order. Such an exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

4.With the above direction, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Revenue Divisional Officer,
Kovilpatti Sub-Division,Thoothukudi District.
- 2.The Thasildar,
Ottapidaram Taluk,Thoothukudi District.
- 3.The District Registrar,
Registration Department,
Thoothukudi, Thoothukudi District.
- 4.The Sub-Registrar,
Registration Department,
Ottapidaram, Thoothukudi District.

+1CC TO Mr.S.C.Herold Singh, Advocate, Sr No.62986

W.P. (MD) No.17529 of 2017
23.04.2018

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