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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.22330 of 2017
and
W.M.P.(MD)No.18617 of 2017

Selva Mary ... Petitioner

Vs.

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

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

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

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order Na.Ka.No.AA2/196/2013 dated 27.08.2013 passed by the second respondent and consequently impugned order bearing No.A.Thi.Mu.No.172/2017 dated 28.09.2017, passed by the third respondent and quash the same as illegal and consequently, to direct the third respondent to register a sale deed dated 28.09.2017 presented by the petitioner.

For Petitioner : Mr.S.Chellapandian
For Respondents : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

The writ petition has been filed, challenging the check slip issued by the third respondent refusing to register the sale deed on the ground that as per the regulation made by the second respondent / Tahsildar, the land is assigned to one Veerapandiya Kattapomman's legal heirs for constructing house and also doing agricultural works.

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2.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that in a similar

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circumstances, this Court had passed an order in W.P.(MD)Nos.7875 to 7880 of 2016 directing the similarly placed persons to approach the third respondent and submit the documents to show that they have the legal right to sell the property. On such production, the third respondent is directed to consider the same and pass orders on merits and in accordance with law.

3.The relevant portion of the order is extracted below:-

> "5.The learned counsel for the petitioner submits that in a similar circumstances, in a writ petition filed by the neighbouring land owner in W.P.(MD)No.1960 of 2016, this Court on 17.03.2016 passed the following order:-
>
> "5.In view of the above submission and that the impugned orders have been passed in the year 2013 and the petitioner has moved this Court only now, suffice to state that it is open to the petitioner to approach the third respondent with relevant documents to show that he has legal right to sell the property and thereafter, the third respondent will consider the same and pass appropriate orders on the same on merits an in accordance with law."
>
> 6.In the above circumstances, the petitioner is also a similarly placed person, in these writ petitions, a similar direction is issued directing the petitioner to approach the third respondent with relevant documents to show that he has legal right to sell the properties. On production of such documents, the authority concerned is directed to pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."

4.In the above circumstances, the petitioner is also claiming to be a similarly placed person, a similar direction is issued, directing the petitioner to approach the third respondent and submit the documents to show that she has the legal right to sell the property. On such production, the third respondent is directed to consider the same and pass orders on merits and in accordance with law.

5.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

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To

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

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

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

+1CC to Mr.J.Chellapandian, Advocate, SR.No. 49188
+1CC to the Special Government Pleader SR.No.49639

W.P(MD)No.22330 of 2017
15.02.2018

Myr
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