

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.13036 of 2004
& W.P.M.P.15219 of 2004

A.S.Thangamani

... Petitioner

-Vs-

1.The State of Tamil Nadu,
rep. by Secretary to Government,
Commercial Taxes and Religious
Endowment Department,
Fort St.George, Madras - 9.

2.The District Collector,
Tuticorin.

3.The Sub-Registrar,
Tuticorin, Keelur.

Respondents

...

PRAYER : Petition filed Under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari
or any other appropriate Writ or direction to call for the
records on the file of the 2nd respondent in
Na.Mu.Ka.No.7295/2003 dated 27.11.2003 and quash the same
as illegal.

For Petitioner : Mr.V.Ragavachari

For Respondents : No appearance (for R1)
: Mr.G.B.Rajesh,
Government Advocate (for R2)
: Mr.P.P.Purushothaman
Government Advocate (for R3)

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O R D E R

The instructions issued by the respondents pursuant to
the government orders and as per the circular issued by the
Director of Rural Development, Chennai dated 27.11.2003 is
under challenge in the present writ petition.

2. The writ petitioner states that he is the power of attorney agent of Thiru.M.Dinakaravel. The power of attorney was executed on 10.02.2003, under the said power, the petitioner has been authorized to deal with the property on his principal located at Survey No. 95/4, Mapillai Oorani Village.

3. The grievances of the writ petitioner is that the District Registrar, Thoothukudi on 05.12.2003 and proceedings of the Collector in 4/7295/2003 calls upon the Sub-Registrar not to register the documents unless it is supported by the concurrence of the Director Town and Country Planning or the Joint Director or the Deputy Director of the department.

4. It is further stated that the mere concurrence of the head of the local bodies are insufficient and documents should not be registered only on the basis of the certificate. This Court is of an opinion that the general circular was issued by the Director of Rural Development and subsequently by the District Collector to ensure that the documents are registered in accordance with law and further to avoid bogus execution of deeds by land grabbers and land mafias. The impugned order itself says that the conditions stipulated in the government order as well as in the Statutes are to be followed.

5. The purport of the order is that without the approval of the Director of Town Planning or the Joint Director or the Deputy Director, the Panchayat Presidents cannot grant approval unilaterally for the purpose of registration of a document. During the relevant point of time, the elected Panchayat Presidents had involved in various irregularities and identifying all such irregularities, Government issued circular that the registration or dealing with the properties cannot be done with the no objection certificate issued by the respective Panchayat Presidents unilaterally. The approval are to be granted by the competent authorities namely, the Director of Town Planning and the Joint Director or the Deputy Director concerned.

6. The circular was issued to ensure that the registrations are done in accordance with law and in genuine manner. This apart, the circular will prevent the execution of bogus documents and also to prevent the land grabbers to execute some documents in an illegal manner. Such a circular cannot be said to be illegal and therefore, this Court is of an opinion that the writ petitioner is

bound to get necessary approvals from the competent authorities for the purpose of registration and as per the rules in force.

7. In this view of matter, the petitioner is at liberty to approach the competent authorities by producing all the required documents and the necessary certificates in the manner known to law. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kkn/ska
To

1.The Secretary to Government,
Commercial Taxes and Religious
Endowment Department,
Fort St.George, Madras - 9.

2.The District Collector,
Tuticorin.

3.The Sub-Registrar,
Tuticorin, Keelur.

+1cc to Mr. V.Ragavachari, Advocate SR.No. 4091
+1 CC TO GOVERNMENT PLEADER SR.NO. 5045

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A.SK(22/03/2019)

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