

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.7828 of 2004

and

WP.MP.Nos.9284, 9285 & 11074 of 2004

1. Raja Jabadoss
 2. Balasubramaniam
 3. Durai Pandi Nadar
 4. Ramu Ammal
-Petitioners

Vs

1. The Inspector General for Registration,
Santhome High Road,
Chennai.
 2. The District Collector,
Tuticorin District, Tuticorin.
 3. The Sub Registrar,
Kumaragiri Village,
Pudukottai, Tuticorin.
-Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records in Na.Mu.Ka.No.4/7295/2003, on the file of the 2nd respondent dated 27.11.2003 and quash the same and further directing the 3rd respondent to register the sale deeds presented by the petitioners in respect of the lands in S.No.100/2, 252/1, 251/3 and 234, Pudukottai Village, within the jurisdiction of Kumaragiri Secondary Grade Town Panchayat, Pudukottai, Tuticorin District.

For Petitioners: Mr.K.Srinivasan

For Respondents: Mr.P.P.Purushothaman, GA
for R1 & R3

Mr.S.Suresh Kumar, GA
for R2

O R D E R

The order under challenge in the present Writ Petition is to a circular of the 2nd respondent stating that a No Objection Certificate is a pre condition for registration of a document. It is seen that the Hon'ble Apex Court in a decision reported in 2005 (4) CTC 606 had declared Section 22A of the Registration Act as unconstitutional and subsequently, the Division Bench of this Court had also taken a similar view in a decision reported in 2007 (3) CTC 513.

2. While that being so, the circular of the 2nd respondent herein cannot be sustained. Hence, the Writ Petition stands allowed. Consequently, the circular dated 27.11.2003 in Na.Mu.Ka.No.4/7295/2003, on the file of the 2nd respondent, is quashed and the 3rd respondent is directed to register the sale deeds presented by the petitioners in respect of the lands in Survey No. 100/2, 252/1, 251/3 and 234, Pudukottai Village, if not already registered. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

hvk

To

1. The Inspector General for Registration,
Santhome High Road,
Chennai.
2. The District Collector,
Tuticorin District, Tuticorin.
3. The Sub Registrar,
Kumaragiri Village,
Pudukottai, Tuticorin.

+1 CC to Govt. Pleader sr 22085

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SPD (CO)
SP (08/04/2019)