



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.10772 of 2019

and

W.M.P. (MD) Nos.8219 and 8220 of 2019

V.Ramakrishnan

... Petitioner

Vs

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildhar,
Ottapidaram Taluk,
Thoothukudi District.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order Na.Ka.No.A2/196/2013 dated 27.08.2013 passed by the 2nd respondent and consequently impugned order in RFL/OTTAPIDARAM/19/2019 dated 25.04.2019 passed by the 3rd respondent and quash the same as illegal and consequently to direct the 3rd respondent to register a sale deed dated 25.04.2019 presented by the petitioner.

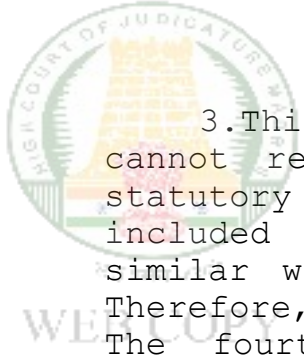
For Petitioner : Mr.V.Nirmal Kumar

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner wants to purchase the subject property from one Petchiyammal and others. When the sale deed dated 25.04.2019 was presented by the writ petitioner before the fourth respondent, the third respondent declined to receive the same on the ground that the first respondent has issued certain proceedings forbearing the registering authority from registering the document relating to the land in question without no objection certification from the Revenue Divisional Officer, Kovilpatti.



3.This Court has consistently held that the Revenue authority cannot restrain the registering authority from discharging his statutory function. It is not as if the land in question has been included in the prohibitory index. This Court had allowed a similar writ petition on 19.02.2019 in W.P.(MD)No.2799 of 2019. Therefore, the order impugned in this writ petition is set aside. The fourth respondent is directed to register the petition mentioned sale deed presented by the writ petitioner.

4.In this view of the matter, the orders impugned in this writ petition stand quashed and the third respondent is directed to register the petition mentioned sale deed presented by the writ petitioner, subject to fulfillment of other formalities.

5.The writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildhar,
Ottapidaram Taluk,
Thoothukudi District.
- 3.The Sub Registrar,
Registration Department,
Ottapidaram,
Thoothukudi District.

+1CC TO MR.V.NIRMAL KUMAR, Advocate Sr. No.63927
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.65068

W.P. (MD)No.10772 of 2019
29.04.2019

SCR(CO)
TR (10.05.2019) 2P 6C