



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.05.2019

CORAM:

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

W.P. (MD) No.12586 of 2019

and

W.M.P. (MD) Nos.9356 and 9357 of 2019

V.Dharmaraj

... 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: 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/25/2019, dated 21.05.2019 passed by the 3rd respondent and quash the same as illegal and consequently to direct the 3rd respondent to register a sale deed dated 21.05.2019 presented by the petitioner.

For Petitioner : Mr.V.Nirmal Kumar

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The petitioner wanted to buy the land comprised in S.No.13/1, Panchalakuruchi Village. It belonged to one Srinivasan. A sale deed dated 21.05.2019 was executed in favour of the petitioner. When the document was presented for registration before the third respondent, the third respondent issued the impugned check slip, declining to register the document. The reason for taking such stand was that a direction had been issued by the first respondent that no document pertaining to the lands in Panchalakuruchi village should be registered without getting no objection from the Revenue Divisional Officer, Kovilpatti.



2.This Court in a number of writ petitions had quashed such a communication issued by the revenue authority. One such order is dated 29.04.2019 made in W.P.(MD)No.10772 of 2019.

3.This Court had consistently held that the revenue authority cannot restrain the registering authority from discharging their statutory functions. It is not as if the land in question has been included in the prohibitory index. Therefore, the order impugned in the writ petition is quashed. The third respondent is directed to register the petition mentioned document, of course, subject to fulfillment of other formalities.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

ias/gk

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.V.NIRMAL KUMAR, Advocate Sr. No. 66366

W.P. (MD) No.12586 of 2019
29.05.2019

AVS (CO)

TR (25.06.2019) 2P 5C