



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4368 2019

and

W.M.P. (MD) Nos.3472 and 3473 of 2019

A.Chandrasekaran

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Sub Registrar,
Thiruppuvanam,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating the proceedings of the second respondent made in Na.Ka.C5/8657/2013, dated 08.12.2018 and the consequential proceedings of the third respondent dated 18.12.2018 and quash the same and consequently, direct the third respondent to register the sale deed executed by the petitioner in respect of property comprised in Plot No.147, SMS Nagar II, situated in S.No.1/6, Thiruppuvanam Nellmudikarai Village, Thiruppuvanam Taluk, Sivagangai District.

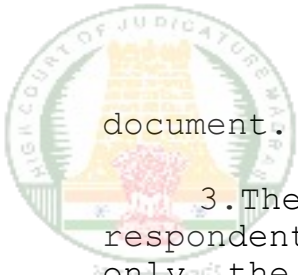
For Petitioner : Mr.K.Govinidarajan

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner purchased the petition mentioned plot vide sale deed dated 20.11.2018. The petitioner wanted to sell the same in favour of one Senthilvel. He executed a sale deed dated 18.12.2018 in favour of Senthivel and presented the same for registration before the third respondent. The third respondent citing the impugned communication dated 08.12.2018 issued by the District Revenue Officer, Sivagangai, declined to register the



document. Therefore, this writ petition has been field.

3.The learned Government Advocate appearing for the respondents pointed out that pursuant to some Court proceedings only, the impugned order has been issued. He also pointed out that the land in question once formed part of Vaigai River and that therefore, the impugned order deserves to be sustained.

4.No one can take exception to the sentiments expressed by the learned Government Advocate. It is always open to the authorities to take action in the manner known to law for recovery and restoration of water bodies and clearing them of all encroachment. But the issue on hand is whether the document presented by the writ petitioner can be registered or not.

5.It is seen that the land in question has been shown as a patta land in the revenue records. The petitioner's plot forms part of a larger extent of land. In fact, a layout was prepared and approval was also given by the local planning authority in favour of the writ petitioner's vendor. The writ petitioner himself purchased the plot through registered document. In this situation, by issuing the impugned order, the petitioner's valuable property rights have been virtually taken away. This cannot be accepted. Therefore, the order impugned in this writ petition is quashed insofar as the petitioner is concerned. The third respondent is directed to register the petition mentioned document subject to fulfillment of other formalities. 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,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.



3.The Sub Registrar,
Thiruppuvanam,
Sivagangai District.

+1CC TO MR.K.GOVINDARAJAN, Advocate Sr. No.62891
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.63361

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BP (CO)
TR (10.05.2019) 3P 6C