



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 9474, 9476, 9483 & 9565 of 2019 and

W.M.P. (MD) Nos. 7447, 7451 & 7457 of 2019

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W.P. (MD) No. 9474 of 2019

V. Joseph Manoharan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Kovilpatti Sub-Division,
Thoothukudi District.
2. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.
3. The District Registrar,
Registration Department,
Thoothukudi District,
Thoothukudi.
4. The Sub-Registrar/Registration Officer,
Ottapidaram Sub-Registrar Office,
Thoothukudi District.

... Respondents

PRAYER in W.P. (MD) No. 9474 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order of the fourth respondent in RFL/Ottapidaram/2/2019, dated 22.01.2019 and to quash the same as illegal and consequently to direct the fourth respondent to register the document dated 22.01.2019 in respect of the properties of the petitioner in survey No. 496/4 situated at Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District, to the extent of 84 cents.

W.P. (MD) No. 9476 of 2019

V. Joseph Manoharan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Kovilpatti Sub-Division,
Thoothukudi District.
2. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.



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

4. The Sub-Registrar/Registration Officer,
Ottapidaram Sub-Registrar Office,
Thoothukudi District.

... Respondents

PRAYER in W.P.(MD)No.9476 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order of the fourth respondent in RFL/Ottapidaram/4/2019, dated 22.01.2019 and to quash the same as illegal and consequently to direct the fourth respondent to register the document dated 22.01.2019 in respect of the properties of the petitioner in survey No.496/4 situates at Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District, to the extent of 21 cents.

W.P. (MD)No.9483 of 2019

V.Joseph Manoharan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Kovilpatti Sub-Division,
Thoothukudi District.

2. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

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

4. The Sub-Registrar/Registration Officer,
Ottapidaram Sub-Registrar Office,
Thoothukudi District.

... Respondents

PRAYER in W.P.(MD)No.9483 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order of the fourth respondent in RFL/Ottapidaram/3/2019, dated 22.01.2019 and to quash the same as illegal and consequently to direct the fourth respondent to register the document dated 22.01.2019 in respect of the properties of the petitioner in survey No.496/4 situates at Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District, to the extent of 21 cents.



W.P. (MD) No. 9565 of 2019

S. Sivaraj

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Kovilpatti Sub-Division,
Thoothukudi District.
2. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.
3. The Sub-Registrar,
Ottapidaram Sub-Registrar Office,
Ottapidaram,
Thoothukudi District.

... Respondents

PRAYER in W.P. (MD) No. 9565 of 2019: Writ Petition is 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 passed by the third respondent in his proceedings RFL/Ottapidaram/16/2019, dated 12.04.2019 quash the same as illegal and consequently directing the third respondent to register the sale deed presented by the petitioner on 05.04.2019 in respect of punja land to an extent of 1.21.5 Hectares (3 Acres) situated in Resurvey No.510/2, Ottapidaram Taluk, Panchalankurichi Village comprised in Patta No.1285.

(in all W.Ps.)

For Petitioners : Mr.N.Ramesharumugam
in W.P. (MD) Nos. 9474, 9476
& 9483 of 2019
Mr.P.Banuprasath
in W.P. (MD) No. 9565 of 2019

For Respondents : Mr.M.Murugan,
(in all Wps) Government Advocate.

C O M M O N O R D E R

Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents.

2. The petitioners question the impugned communications issued by the registering authority declining to register the petition mentioned documents. The reason for refusal to register is the communication from the Revenue Divisional Officer, Kovilpatti. The Revenue Divisional Officer, Kovilpatti, has instructed the registering authority that without getting No Objection Certificate



from the revenue department, the documents in respect of the lands in question cannot be registered.

3. This Court in a number of Writ petitions has held that it is not for the Revenue Divisional Officer, Kovilpatti, to restrain the registering authority from discharging his statutory functions. The petitioners have enclosed quite a few such orders in the typed set of papers. One such order is dated 01.08.2018 in W.P.(MD)No.8706 of 2018. Therefore, following the aforesaid order, the orders impugned in the Writ petitions stand quashed.

4. The Writ petitions stand allowed, accordingly. The registering authority is directed to register the petition mentioned documents and release the same to the petitioners, of course subject to the fulfillment of all the other formalities such as payment of stamp duty etc.

No costs. Consequently, connected Miscellaneous petitions are closed.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Kovilpatti Sub-Division, Thoothukudi District.
2. The Tahsildar,
Ottapidaram Taluk, Thoothukudi District.
3. The District Registrar, Registration Department,
Thoothukudi District, Thoothukudi.
4. The Sub-Registrar/Registration Officer,
Ottapidaram Sub-Registrar Office,
Thoothukudi District.

+3 CC to Mr.M.S.JEYAKARTHIK, Advocate in SR-61872, SR-61871, 91873
+1.CC. To Mr.P.Banuprasath, Advocate in SR No.61665

+1 CC to SPL GP in SR-62167, 62143, 62165, 62134

W.P. (MD) Nos. 9474, 9476, 9483 & 9565 of 2019 and
W.M.P. (MD) Nos. 7447, 7451 & 7457 of 2019
22.04.2019

pmu

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