



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.15007 of 2019

and W.M.P. (MD) No.11511 of 2019

K.Muniyasamy

... Petitioner

Vs.

1.The District Registrar,
Administration
Office of the District Registrar,
Department of Registration,
Thoothukudi District, Thoothukudi.

2.The Sub - Registrar,
Office of the Sub Registrar Office,
Ottapidaram
Thoothukudi District.

3.The Tahsildar,
Taluk Office, Ottapidaram
Thoothukudi District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to register the sale document in respect of Revenue in Survey No.505/4 in patta No.1269 to the extent of Hec.1.21.5 acre 3 punja land at Panchalankurichi Village, Ottapidaram Taluk, Sub-Registration Office jurisdiction, Thoothukudi Registration District, Tuticorin without demanding any no objection certificate from Revenue Divisional Officer, Kovilpatti or any other authority based on petitioner's representation dated 27.06.2019 according to law.

For Petitioner : Mr.G.Pradeep Dhinakaran
For Respondents : Mr.Murugan
Government Advocate

ORDER

The prayer in the writ petition is for issuance of a Writ of Mandamus to direct the 2nd respondent to register the sale document in respect of Survey No.505/4 in patta No.1269 to the extent of Hec.1.21.5 acre 3 punja land at Panchalankurichi Village,



Ottapidaram Taluk, Sub-Registration Office jurisdiction, Thoothukudi Registration District, Tuticorin without demanding any no objection certificate from Revenue Divisional Officer, Kovilpatti or any other authority based on petitioner's representation dated 27.06.2019 according to law.

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2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The issue raised herein is to register the document, which is in question, which has been submitted by the petitioner before the registration department and the same since has not been registered for want of no objection certificate from the revenue authorities on the pretext that, the land in question has been originally assigned to the descendants of Veerapandia Kattabomman and therefore, the same cannot be meddled or encumber by creating a third party right without the consent of the revenue authorities.

4. The issue raised in this writ petition has already been decided in number of cases and I had an occasion to consider the similar issue and pass orders in W.P.(MD) No.16461 of 2019, dated 24.07.2019, wherein, I have held as follows:

"7.Having regard to the said submission made by both sides, taking into account the earlier orders passed by this Court, especially, the order dated 24.11.2016 as referred to above, this Court is inclined to dispose of this writ petition with the following direction:

"Following the earlier orders passed by this Court, especially in W.P.(MD) No.21539 of 2016 dated 24.11.2016 in the matter of **S.M.Malliga Vs. the Revenue Divisional Officer, Kovilpatti Sub-Division, Thoothukudi District and others**, the impugned order passed by the 4th respondent dated in Refusal Number RFL/Ottapidaram/18/2019 is set aside and the 4th respondent is hereby directed to register the document in question presented by the petitioner, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order."

8.With this direction, this writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed."

5. The learned Government Advocate for the respondents also very fairly submitted that, the issue has been already covered by number of decisions, including the decision of mine. Therefore, similar order can be passed in this writ petition also, he



submitted.

6. In that view of the matter, following such order passed by this Court and other earlier orders passed, this Court is inclined to dispose of the writ petition with the following directions:

A direction is issued to the second respondent to register the document in question without insisting upon any no objection certificate from the Revenue Divisional Officer, Kovilpatti or any other authority, by disposing the representation of the petitioner, dated 27.06.2019 within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

- 1.The District Registrar,
Administration
Office of the District Registrar,
Department of Registration,
Thoothukudi District,
Thoothukudi.
- 2.The Sub - Registrar,
Office of the Sub Registrar Office,
Ottapidaram
Thoothukudi District.
- 3.The Tahsildar,
Taluk Office,
Ottapidaram
Thoothukudi District.

+1CC TO MR.G.PRDEEP DHINAKARAN, Advocate Sr. No.80250
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.80336

W.P. (MD)No.15007 of 2019

06.08.2019

KM(CO)

TR (29.08.2019) 3P 6C