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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No. 18607 of 2018

E. Sudalaimani

: Petitioner

Vs.

1. The Revenue Divisional Officer,
Kovilpatti Sub Division,
Thootukudi District.

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi district.

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

4.The Sub Registrar,
Ottapidaram Sub Registrar Office,
Ottapidaram,
Thoothukudi District.

: Respondents

Prayer: This 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 4th respondent in his proceedings RFL/Ottapidaram/2/2018 dated 25.07.2018, quash the same as illegal and consequently, directing the 4th respondent to register the sale deed presented by the petitioner on 25.07.2018 in respect of house site to an extent of 204.36 Sq. meter (5 cents) situated in Resurvey No.13/2B1A, Ottapidaram Taluk, Panchalankurichi Village.

For Petitioner : Mr.P. Banuprasath

For Respondents : Mr.M. Murugan

Government Advocate

O R D E R

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The Writ Petitioner has purchased the petition mentioned property vide sale deed dated 14.05.2004. The petitioner executed a sale deed on 25.07.2018 in favour of one Manoharan.



When the document was presented for registration before the 4th respondent, the 4th respondent declined to receive the documents for registration. This was because the first respondent had issued communication dated 27.08.2013 calling upon the 4th respondent not to receive the documents pertaining to the S.No.13/1 extra in Panchalankurichi and B. Duraichampuram Village, Ottapidram Taluk. The first respondent had made it clear that without getting no objection certificate from the first respondent, the documents should not be registered.

3. This Court in a number of Writ Petitions had held that if the property in question was included in the prohibitory index, the registering authority cannot receive the sale deed documents for registration. But, then, the 4th respondent cannot decline to receive the documents for registration on the strength of the communication from the Revenue Divisional Office, Kovilpatti.

4. The first respondent has no jurisdiction to restrain the 4th respondent from discharging his statutory functions. Therefore, the order impugned in the Writ Petition is set aside. The 4th respondent is directed to register the sale deed dated 25.07.2018, presented by the Writ Petitioner.

5. The Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

trp

To

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

2. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi district.

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



4.The Sub Registrar,
Ottapidaram Sub Registrar Office,
Ottapidaram,
Thoothukudi District.

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+1CC TO MR.P.BANU PRASATH, Advocate Sr. No. 53143
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 53561

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TR (12.04.2019) 3P 7C