



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.4512 of 2020

WEB COPY

S.Muthaiya Samy

...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: Writ Petition is filed under Article 226 of 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 No.65/2019 dated 10.12.2019 and quash the same as illegal and consequently, directing the third respondent to register the sale deed presented by the petitioner on 12.12.2019 in respect of punja land to an extent of 1.21.5 Hectares (3 Ares) situated in Resurvey No.491/4, Ottapidaram Taluk, Panchalankurichi Village, comprised in Patta No.1632.

For Petitioner : Mr.P.Banuprasath

For Respondents : Mr.K.Sathyasingh

Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, challenging the impugned order passed by the third respondent dated 10.12.2019 and seeking consequential direction to direct the third respondent to register the sale deed presented by the petitioner on 12.12.2019 in respect of punja land to an extent of 1.21.5 Hectares (3 Ares) situated in Resurvey No.491/4, Ottapidaram Taluk, Panchalankurichi Village, comprised in Patta No.1632.

2. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.



3.Mr.K.Sathyasingh, learned Additional Government Pleader accepts notice on behalf of the respondents.

4. According to the petitioner, his father namely, Subbiramaniya Samy was the owner of the punja land to the extent of 1.21.5 Hectares (3 Ares), situated in Resurvey No.491/5, Ottapidaram Taluk, Panchalankurichi Village comprised in Patta No.1632. His legal heir is the petitioner herein and the patta stands in the name of the petitioner in Patta No.1632. After the demise of the petitioner's father, the petitioner is in possession and enjoyment of the property in question. The petitioner sold the property to one Latha, W/o.Ilanchezhiyan through sale deed dated 10.12.2019. The same was presented before the third respondent for registration with necessary stamp duty. On the same day itself, the third respondent, by the impugned proceedings dated 10.12.2019, has refused to register the same, citing the objection given by the second respondent, by his proceedings dated 27.08.2013. Challenging the same, the present Writ Petition is filed.

5. This Court is of the view that the third respondent has refused to register the documents presented by the petitioner on the ground that there is an order of prohibition issued by the second respondent. The revenue authorities have no right to take the role of statutory function. If the land in question is in prohibited index, then the third respondent may be right in refusing to register the document. Similarly, there is no order of Court restraining him from registering the document.

6.When the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that the issue is already covered by the decision of this Court in W.P(MD)No.18680 of 2018, dated 20.03.2019 and that this Court had directed the authority to register the document presented by the petitioner therein.

7. In view of the above, the Writ Petition stands allowed. The impugned order is set aside and the authority concerned is directed to register the document unless or otherwise it is prohibited by law. No costs.

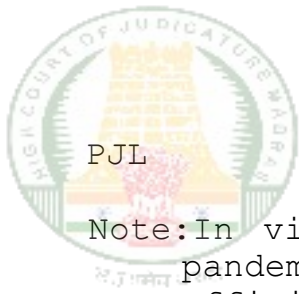
Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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.

+1 CC to Mr.P. BANUPRASATH, Advocate (SR-20141[F]dated 15/10/2020)

+1 CC to SPL GP (SR-20148[F]dated 15/10/2020)

Order made in
W.P. (MD)No.4512 of 2020
14.10.2020

VB (09.11.2020) 3P 6C