



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.7400 of 2020

S.Perumal

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Nagercoil,
Kanyakumari District.
2. The District Registrar,
Kanyakumari District,
Behind SLB Govt. H.S.School,
Nagercoil - 629 001.
3. The Sub-Registrar,
Nagercoil Sub Registrar Office,
Behind SLB Govt. H.S.School,
Nagercoil - 629 001.
4. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil Post,
Kanyakumari District.
5. The Administrator / Trustee,
Kottar Ezhavar Samudhaya Vahai Arumuga
Perumal Pillayarsamy Trust,
Kottar - 629 002,
Nagercoil.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the second and third respondents herein to consider the petitioner's representation dated 21.12.2019 and 10.01.2020 and pass appropriate orders to register the sale deed with respect to Survey No.R-4/21 to an extent of 3 cents in Nagercoil South Village, Agasteeswaram Taluk, with a building situated at Ezhavar Amman Coil Street, Kottar bearing Door No.35, (New No.45) of erstwhile Nagercoil Municipality now functioning as Nagercoil Corporation.



For Petitioner : Mr.V.Meenakshi Sundaram
For RR 1 to 4 : Mr.M.Murugan
Government Advocate
For R - 5 : Mr.RM.Sivakumar

ORDER

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The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the second and third respondents to consider the representations of the petitioner dated 21.12.2019 and 10.01.2020 and pass appropriate orders to register the sale deed with respect to Survey No.R-4/21 to an extent of 3 cents in Nagercoil South Village, Agasteeswaram Taluk, with a building situated at Ezhavar Amman Coil Street, Kottar bearing Door No.35, (New No.45) of erstwhile Nagercoil Municipality now functioning as Nagercoil Corporation.

2. According to the petitioner, he presented a document before the third respondent to register the sale deed in respect of the property comprised in Survey No.R-4/21 to an extent of 3 cents in Nagercoil South Village, Agasteeswaram Taluk, but the Sub-Registrar had not entertained the said document for the reason that the fifth respondent had filed a Writ Petition in W.P(MD)No.9158 of 2016, wherein this Court by order 25.05.2016 directed the respondents to consider the objection of the fifth respondent in respect of various survey numbers including the subject R-4/21. Hence, the petitioner sent a representation dated 21.12.2019 to the respondents 2 and 3 to register the sale deed in respect of the above said property. Since no action has been taken on the said representation, the petitioner has filed the present Writ Petition.

3.The learned Government Advocate appearing for the respondents 1 to 4 submitted that in view of the clarification given by the fifth respondent that Survey No.R-4/21 has been wrongly included in the representation dated 14.06.2016, the Sub-Registrar will consider the document for registration in accordance with law.

4.The learned counsel appearing for the fifth respondent filed a counter-affidavit stating that the property comprised in Survey No.R-4/21 to an extent of 3 cents in Nagercoil Village, Agasteeswaram Taluk, is not belonging to their Trust and the said survey number has been wrongly included in the representation dated 14.06.2016.

5.In view of the submissions made by the learned counsel appearing on either side and also in the light of the clarification given by the fifth respondent in paragraph No.6 of the counter-affidavit, the third respondent is directed to entertain the document submitted by the petitioner and consider the same for registration, in accordance with law, if necessary, after affording an opportunity of hearing to the interested parties.



6. With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

ps

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

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4. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil Post,
Kanyakumari District.

+1 CC to Mr.RM.SIVAKUMAR, Advocate (SR-16592[F] dated 11/09/2020)
+1 CC to the SPL GP (SR-16660[F] dated 11/09/2020)
+1 CC to Mr.D.NALLATHAMBI, Advocate (SR-16691[F] dated 11/09/2020)

Order made in
W.P. (MD) No.7400 of 2020
Dated:
10.09.2020

CS(17.09.2020) 3P 8C