



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) Nos.13595 and 13689 of 2020

K.Chelladurai

... Petitioner in both W.Ps.

-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 in both W.Ps.

COMMON PRAYER: Writ Petitions are 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/20/2020 and RFL/Ottapidaram/19/2020, respectively, dated 14.08.2020 quash the same as illegal and consequently, directing the third respondent to register the sale deeds presented by the petitioner on 14.08.2020 in respect of punja land to an extent of 1 Acres 09.0 Cents and 1 Acres 91.0 Cents respectively situated in Resurvey No.509/3, Ottapidaram Taluk, Panchalankurichi Village.

In both Wps.

For Petitioner : Mr.P.Banuprasath

For Respondents : Mr.M.Murugan,
Government Advocate.
(in both Writ Petitions)



COMMON ORDER

The petitioner has come forward with these Writ Petitions, challenging the impugned orders passed by the third respondent dated 14.08.2020 and seeking consequential direction to direct the third respondent to register the sale deeds presented by the petitioner on 14.08.2020 in respect of punja land to an extent of 1 Acres 09.0 Cents and 1 Acres 91.0 Cents, respectively, situated in Resurvey No.509/3, Ottapidaram Taluk, Panchalankurichi Village.

2.By consent, these Writ Petitions are taken up for final disposal at the stage of admission itself.

3.Mr.M.Murugan, learned Government Advocate accepts notice on behalf of the respondents in both Writ Petitions.

4.According to the petitioner, his father namely, Kasi Nayakkar was the owner of the agricultural land to the extent of 1 Acres 09.0 cents and 1 Acres 91.0 cents respectively, situated in Resurvey No.509/3, Ottapidaram Taluk, Panchalankurichi Village. His legal heirs are Chelladurai / petitioner herein, Kattabommu and Gurusamy. After the demise of the petitioner's father, the legal heirs of the said Kasi Nayakkar are in possession and enjoyment of the property in question. In the year 2016 and 2018, the said Gurusamy and Kattabommu died. Thereafter, their legal heirs have jointly executed a consent deed dated 31.08.2020 in favour of the petitioner herein. Now, the property in question is in possession and enjoyment of the petitioner herein. In this circumstances, the petitioner wanted to sell the property to one Punitha and Velusamy through sale deeds dated 14.08.2020. The same were presented before the third respondent for registration with necessary stamp duty. On the same day itself, the third respondent, by the impugned proceedings dated 14.08.2020, has refused to register the same, citing the objection given by the second respondent, by his proceedings dated 12.04.2013. Challenging the same, the present Writ Petitions are 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, these Writ Petitions stand allowed. The impugned order in both Writ Petitions are 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 (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

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.

+2 CC to Mr.P.BANUPRASATH, Advocate SR Nos.-19271 & 19272.

Order made in

W.P. (MD) Nos.13595 and 13689 of 2020

06.10.2020

KM(CO)

CS(16.10.2020) 3P 6C