



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.14302 of 2020

and

W.M.P. (MD) .No.11960 of 2020

WEB COPY

Murugalakshmi

... Petitioner

-Vs-

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

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

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

4. The Sub-Registrar,
Registration Department,
Ottapidaram,
Thoothukudi District.

... Respondents

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 fourth respondent in his proceedings dated 19.06.2020 in RFL/Ottapidaram/11/2020 and quash the same and consequently direct the fourth respondent to register the document of sale deed dated 17.06.2020 in respect of the land in re-survey No.483/4 situated at Panchalamkurichi Village, Ottapidaram Taluk, Thoothukudi District.

For Petitioner : Mr.S.Ramasamy
For Respondents : Mr.M.Murugan,
Government Advocate.

ORDER

The petitioner has come forward with this Writ Petition, challenging the impugned order passed by the fourth respondent dated 19.06.2020 and seeking consequential direction to direct the fourth respondent to register the sale deed presented by the petitioner on 17.06.2020 in respect of in respect of the land in re-survey No.483/4 situated at Panchalamkurichi Village, Ottapidaram Taluk, Thoothukudi District.



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.

4. According to the petitioner, he purchased the property to the extent of 25 cents in Re survey No.483/4 situated at Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District, from one Chinnabommuthurai @ Chinnaoumathurai, S/o.Oumathurai and the same was registered before the fourth respondent herein, in document No.34/2002. Thereafter, the petitioner is in possession and enjoyment of the property in question. In this circumstances, on 17.06.2020, the petitioner executed a sale deed in favour of one Pushpam, Wife of Kanagaraj and the same was presented before the fourth respondent for registration with necessary stamp duty. On the same day itself, the fourth respondent, by the impugned proceedings dated 19.06.2020, 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 Petition is filed.

5.This Court is of the view that the fourth 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 fourth 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, this Writ Petition stands allowed. The order impugned in this writ petition is set aside and the authority concerned is directed to register the document unless or otherwise it is prohibited by law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



PJL

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 District Registrar,
Registration Department,
Thoothukudi District,
Thoothukudi.
4. The Sub-Registrar,
Registration Department,
Ottapidaram,
Thoothukudi District.

Order made in
W.P. (MD) No.14302 of 2020
04.11.2020

VB (18.11.2020) 3P 5C