



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.14401 of 2020

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Prakash Pandian

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.

2. The Assistant Director,
Town and Country Planning Office,
Theni,
Theni District.

3. The Sub Registrar,
Office of Sub Registrar,
Theni, Theni District.

4. Seenivasan

5. Ramkumar

6. Natchimuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents not to register sale deed, mortgage deed and any document pertaining to the punja land in Survey Nos.206/2, 206/3, 207/4 situated at Koduvilarpatti, Theni Taluk, Theni District, consequently forbearing the second respondent to grant DTCP approval on the basis of the petitioner's representation dated 07.09.2020.

For Petitioner

: Mr.S.Muniyandi

For respondents

: Mr.K.Sathya Singh

1 to 3

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 not to register sale deed, mortgage deed and any document pertaining to the punja land in Survey Nos.206/2, 206/3, 207/4 situated at Koduvilarpatti, Theni Taluk, Theni District and consequently forbearing the second respondent to grant DTCP approval on the basis of the petitioner's representation dated 07.09.2020.



2. Heard the learned Counsel appearing for the petitioner and Mr.K.Sathya Singh, learned Additional Government Pleader, who took notice for the respondents 1 to 3. Since this Court is not going to pass any adverse orders against the respondents 4 to 6, notice to the respondents 4 to 6 is dispensed with.

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3. The learned Counsel appearing for the petitioner submitted that the property measuring to an extent of 2 acres and 81 cents in Survey Nos.206/2, 206/3 and 207/4 situated at Koduvilarpatti, Theni Taluk, Theni District originally belonged to the petitioner's grand father who executed settlement deeds in favour of the petitioner's mother vide Document Nos.2206/1978 and 1972/1980. He further submitted that in the said property, there is a well and he is having electricity connection for irrigation purpose. The petitioner has been in possession and enjoyment of the said property. While so, the respondents 4 to 6 have fabricated the documents as if they are the owners of the property and got patta in their name. Therefore, the petitioner filed a petition before the Revenue Divisional Officer to cancel the patta issued in favour of the respondents 4 to 6. In the meantime, the respondents 4 to 6 are trying to get TDCP approval from the second respondent on the basis of the patta. In this regard, the petitioner has submitted a representation before the respondents 1 to 3 not to grant DTCP approval for the said punja land. Since the respondents 1 to 3 has not considered the representation of the petitioner so far, the petitioner has come forward with this present Writ Petition.

4. Considering the facts and circumstances of the case, this Court is of the view that the petitioner will have to approach only the civil court. It is needless to mention that if the Sub Registrar is going to register a document, he has to fulfill the conditions laid down in Rule 55 of the Registration Rules as enquiry before registration is must and each and every reason based on the enquiry under Rule 55 of the Registration Rules needs to be noted on record in case of any dispute raised by any one of the parties and the same can be produced before the appropriate forum. Therefore, the relief sought for by the petitioner as such cannot be granted. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SRM



To

1. The District Collector,
Theni District, Theni.
2. The Assistant Director,
Town and Country Planning Office,
Theni,
Theni District.
3. The Sub Registrar,
Office of Sub Registrar,
Theni,
Theni District.

+1 CC to the SPL GP (SR-20448[F] dated 16/10/2020)

W.P (MD) No.14401 of 2020
15.10.2020

SE (CO)
CS (10.11.2020) 3P 5C