



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.12.2020**

**CORAM**

**THE HON'BLE MR.JUSTICE S.VAIDYANATHAN**

**W.P. (MD)No.18648 of 2020**

Stanly Jones

...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.18/2020 dated 04.08.2020 and quash the same as illegal and consequently, directing the third respondent to register the sale deed presented by the petitioner on 15.07.2020 in respect of punja land to an extent of 1.21.5 Hectares (3 Acres) situated in Resurvey No.517/2, Ottapidaram Taluk, Panchalankurichi Village comprised in Patta No.287.

For Petitioner : Mr.P.Suruliraja

For Respondents : Mr.M.Murugan

Government Advocate

**ORDER**

The petitioner has come forward with this Writ Petition, challenging the impugned order passed by the third respondent dated 04.08.2020 and seeking consequential direction to direct the third respondent to register the sale deed presented by the petitioner on 15.07.2020 in respect of punja land to an extent of 1.21.5 Hectares (3 Acres) situated in Resurvey No.517/2, Ottapidaram Taluk, Panchalankurichi Village comprised in Patta No.287.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.According to the petitioner, he had purchased the punja land measuring to an extent of 1.21.5 Hectares (3 Acres) situated in Resurvey No.517/2, Ottapidaram Taluk, Panchalankurichi Village comprised in Patta No.287, from one Gopal @ Gopalsamy through a



sale deed dated 15.07.2020 for valuable consideration. The petitioner has presented the sale deed before the third respondent for registration, with necessary stamp duty. But the third respondent, by the impugned proceedings dated 04.08.2020, 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.

4.This Court is of the view that the third respondent has refused to register the document 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.

5.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.4512 of 2020, dated 14.10.2020 and that this Court had directed the authority to register the document presented by the petitioner therein.

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

Sd/-

Assistant Registrar (P&A)

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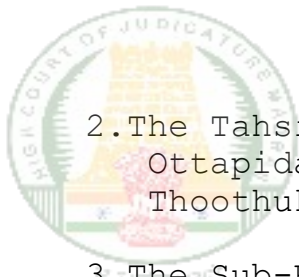
Sub Assistant Registrar(CS)

SRM

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.

+1CC to SPL GP in (SR.No.26262) dated 18.12.2020

W.P. (MD) No.18648 of 2020  
17.12.2020

NA (CO)  
KB (04.01.2021) 3P 5C