



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.07.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13148 of 2018

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Ramasamy

...Petitioner

Vs

The Sub Registrar,
Sanarpatti Sub Registration Office,
Sanarpatti,
Dindigul District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing the respondent to release the pending document No.53 of 2017, dated 11.12.2017 in respect of the landed property comprised in Survey No.982/3B, Anjukulipatti Village, Dindigul East Taluk, Dindigul District, which is registered in the office of the respondent and hand over to the petitioner within the time stipulated by this Court and for other reliefs.

For Petitioner

: M/s.K.Vidya

For Respondent

: Mr.V.Anand

Government Advocate

ORDER

This Writ Petition is filed to direct the respondent to release the pending document No.53 of 2017, dated 11.12.2017, in respect of the property comprised in Survey No.982/3B, Anjukulipatti Village, Dindigul East Taluk, Dindigul District, which is registered in the office of the respondent and hand over the same to the petitioner within the time stipulated by this Court.

2.Heard M/s.K.Vidya, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondent.

3.According to the petitioner, originally the property in Survey No.982/3 measuring an extent of 14 acres and 4 cents, situated at Anjukulipatti Village, Dindigul East Taluk, belonged to the petitioner's grandfather viz., Palanichamy Ambalam, by way of registered sale deed dated 08.11.1963. From the date of purchasing of the said property, the petitioner's grandfather was in possession and enjoyment of the same and patta was also granted by the revenue authorities in Patta No.64. Thereafter, on 14.12.1973, the petitioner's grandfather had executed a settlement deed in favour of the petitioner and his brother. At the time of executing the settlement deed, the petitioner and his brother are minors and after attaining their majority, they are the owners of the property.



4.Further, during 1991, the Tamil Nadu Bhoodan Yagna Board, Madurai, has claimed over the said property to an extent of 10 acres of land, which was gifted by one Meiyappan Ambalam, who was no way connected with the said property. Against which, the petitioner and his brother have filed a civil suit in O.S.No.177 of 1985 before the learned District Munsif Court, Dindigul, against the said Board, for declaration. After hearing the arguments, the Court has passed the orders that the petitioner and his brother are the owners of the property in Survey No.982/3A and in respect of the property in Survey No.982/3B the claim made by them was dismissed. Challenging the said order, they have preferred an appeal in A.S.No.31 of 1993 before the Additional Sub Court, Dindigul. The said appeal was allowed on 30.06.1993. After allowing the said appeal, no proceedings were initiated. While so, the legal heirs of the petitioner's brother have sold their half share of property to the petitioner. Accordingly, on 11.12.2017, the father and the legal heirs of the petitioner's brother have executed a sale deed in his favour in Survey No.982/3B for valid consideration and the said document was registered in his name. Thereafter, the respondent has not released the said document. In this regard, the petitioner has approached the respondent for several times. Since no action has been taken, the petitioner is before this Court.

5.Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the respondent would submit that the petitioner has presented the document before the respondent on 28.11.2017. Pursuant to which, the respondent has communicated a letter dated 17.02.2020, informing that the property in Survey No.982/3B is mentioned as "அரசு யூத்தான நிலங்கள்" in the guideline register. Further, it has been stated that the said document dated 11.12.2017 is pending for obtaining No Objection Certificate from the Tahsildar, Dindigul as well as the President of Tamil Nadu Bhoodan Board. Since the petitioner has not produced the said No Objection Certificates, rejection order has been passed.

6.In view of the submission made by the learned Government Advocate, this Writ Petition stands dismissed. However, if the petitioner is being aggrieved by the said order, it is open to him to challenge the same before the appropriate forum. No costs.

Sd/-

Assistant Registrar (Records)

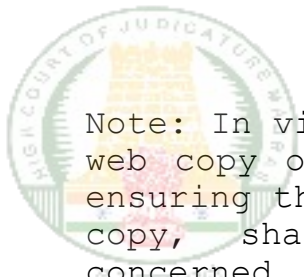
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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.

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To

The Sub Registrar,
Sanarpatti Sub Registration Office,
Sanarpatti,
Dindigul District.

W.P. (MD) No.13148 of 2018
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