



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.316 of 2021

K.Murugan

... 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

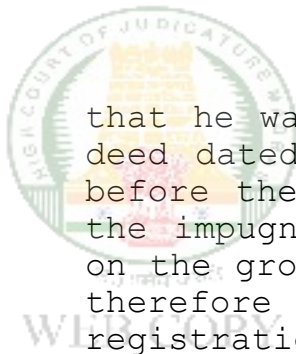
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings RFL/Ottapidaram No.13/2020 dated 19.06.2020 and quash the same as illegal and consequently directing the third respondent to register the sale deed presented by the petitioner on 17.06.2020 in respect of punja land site bearing to an extent of 1.21.5 Hectares (3 Acres) situated in Resurvey No.513/1, Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District, comprised in Patta No.1638.

For Petitioner	:	Mr.P.Banuprasath
For Respondents	:	Mr.K.Sathiyasingh Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the third respondent dated 19.06.2020 and for a consequential direction to the third respondent to register the sale deed presented by the petitioner.

2. The case of the petitioner is that the property was purchased by the petitioner from one Sivaraaj through a registered sale deed dated 07.11.2007. The further case of the petitioner is



that he wanted to deal with the property and hence executed a sale deed dated 17.06.2020. The document was presented for registration before the third respondent and the third respondent, by virtue of the impugned refusal check slip, refused to register the documents on the ground that there is an objection given by the Tahsildar and therefore NOC must be obtained before entertaining the document for registration. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard Mr.P.Banuprasath, learned counsel appearing on behalf of the petitioner and Mr.K.Sathiyasingh, learned Additional Government Pleader appearing on behalf of the respondents.

4. It is seen from the records that this Court has passed series of orders in this regard and has categorically held that the revenue authorities cannot issue prohibitory orders and restrain the registering authority from discharging their statutory function. The present case is also squarely covered by these orders.

5. In view of the above, the impugned refusal check slip issued by the third respondent is hereby quashed and the third respondent is directed to entertain the sale deed presented for registration and register the same, if the necessary stamp duty and registration charges are paid. The document shall be released after registration.

6. This writ petition is allowed with the above direction. No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

PJL

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

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



2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3.The Sub-Registrar,
Ottapidaram Sub Registrar Office,
Ottapidaram,
Thoothukudi District.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-15578[F] dated 09/04/2021)

+1 CC to M/s.SPL GP (SR-15645[F] dated 09/04/2021)

W.P (MD) No.316 of 2021
08.04.2021

GS (30.04.2021) 3P 6C