



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM :

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.2010 of 2021

I.Auspin Jeba Raj

.. Petitioner

Vs

1. The Inspector General of Registrar,
Tamilnadu Registration Department,
Chennai.

2. The District Collector,
Kanyakumari District, at Nagercoil.

3. The District Registrar,
The District Registration Office,
Kanyakumari District, Nagercoil.

4. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents to restore the Bhoodan properties by cancelling all the encumbrance over the Bhoodan properties and to allot the lands to the real beneficiaries by considering the representation of the petitioner dated 02.11.2020 within a time frame.

For Petitioner

: Mr.S.C.Herold Singh

For respondents

: Mr.K.P.Narayana Kumar,
Special Government Pleader
for R2 and R4
Mr.K.Sathiya Singh,
Additional Government Pleader
for R1 to R3



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.S.C.Herold Singh, learned Counsel appearing for the writ petitioner, Mr.K.P.Narayana Kumar, learned Special Government Pleader appearing for the respondents 2 and 4 and Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the respondents 1 and 3.

2. This writ petition has been filed by the petitioner for a direction upon the respondents to restore the Bhoodan properties by cancelling all the encumbrance over the Bhoodan properties and to allot the lands to the real beneficiaries by considering the petitioner's representation dated 02.11.2020.

3. The third respondent filed a counter affidavit and the relevant averment is as follows:

"4. I submit that this writ petition is filed for Mandamus directing the respondent to restore the Bhoodan properties by cancelling all the encumbrance over the Bhoodan properties and to allot the land to the real beneficiaries by considering petitioner's representation dated 02.11.2020 alleging that the Bhoodan Yagna Movement was started by the Acharya Vinoba Bhave who under took Pathayatras to several districts in Tamil Nadu on 13.03.1956 and on 18.04.1957 and received lands for the purpose of donating the same to the Bhoodan Yagna movement. In order to regulate such lands received as donation to transfer the name of the Bhoodan Board and to distribute the lands to the landless poor Tamil Nadu Bhoodan Yagna Act, 1958 was enacted and rules were framed there under. That Bhoodan movement was launched with the object of accepting the lands donated by the philanthropists and landlords. To that effect the Bhoodan Yagna Act was enacted in the year 1958, that the administration was maintained by the Sarvodaya Panchayat in the State of Tamil Nadu, that the donated lands were distributed to the real beneficiaries based on their annual income which should not exceed of Rs.300/- initially, now raised as Rs.25,000/- as per the Bhoodan Yagna Act and prayed this honourable Court to direct the respondent to restore the Bhoodan lands by cancelling all the encumbrances.

5. I submit that under Section 22A(1)(iii) of Registration Act 1908 (Section 22-A was inserted by T.N.Act 28 of 2012, dated 21.06.2012, w.e.f. 20.10.2016)

and prohibits the registering authority from registering any



document related to any land donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board. Implementing this prohibition the respondent do not register without no objection from the Bhoodan Board. Therefore, the petitioner is asking for obvious thing namely not to register any document relating to the Bhoodan land.

6. I submit that the Bhoodan Board is necessary party in whose absence all the issues involved cannot be resolved completely. Hence this Writ Petition is not maintainable.

7. I submit that the petitioner has not made out any case for the relief he claimed."

4. As rightly pointed out by the District Registrar, the Bhoodan Board is not impleaded as a party nor any of the beneficiary has been impleaded as a party. Therefore, the petitioner is directed to give a fresh representation with all adequate particulars to the Bhoodan Board and thereafter, if he still aggrieved, may approach the appropriate Forum for necessary relief.

5. With the above observation, the writ petition stands disposed of.

Sd/-

Assistant Registrar(AS)

// 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.

To:

1. The Inspector General of Registrar,
Tamilnadu Registration Department,
Chennai.
2. The District Collector,
Kanyakumari District, at Nagercoil.



3. The District Registrar,
The District Registration Office,
Kanyakumari District, Nagercoil.

4. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-17803[F] dated
28/04/2021)

W.P. (MD) No.2010 of 2021
26.04.2021

ES (CO)
AS (12.05.2021) 4P 6C