



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.2385 of 2021

Malluswamy

... 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 filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings RFL/Ottabitaram No.05/2021, dated 27.01.2021 and quash the same as illegal and consequently directing the 3rd respondent to register the sale deed presented by the petitioner on 27.01.2021 in respect of punja land to an extent of 0.60.75 Hectares (1 Acres 50 Cents) situated in Resurvey No.493/3, Ottapidaram Taluk, Panchalankurichi Village, comprised in Patta No.1551.

For Petitioner : Mr.P.Banuprasath

For Respondents : Mr.S.Shanmugavel,
Government Advocate (Civil)

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip issued by the third respondent, dated 27.01.2021, refusing to entertain the document presented for registration by citing the instructions given by the Tahsildar, Ottapidaram, dated 12.04.2013.

2. Heard Mr.P.Banuprasath, learned counsel appearing on behalf of the petitioner and Mr.S.Shanmugavel, learned Government Advocate (Civil) appearing on behalf of the respondents.

3. 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.

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4. Accordingly, the impugned refusal check slip issued by the third respondent is hereby quashed and there shall be a direction to the third respondent to entertain the document and register the same, if it is otherwise in order and the necessary stamp duty and registration charges are paid. The document shall be released after registration.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

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.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-19500[F] dated 17/06/2021)

W.P. (MD) .No.2385 of 2021

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