



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.9825 of 2020

(Through Video Conferencing)

A.G.Shankar

... Petitioner

Vs.

1.The District Collector
Dindigul District,
Dindigul.

2.The District Revenue Officer,
District Revenue Officer,
Dindigul District
Dindigul.

3.The Tahsildar,
East Taluk Office
Dindigul District
Dindigul.

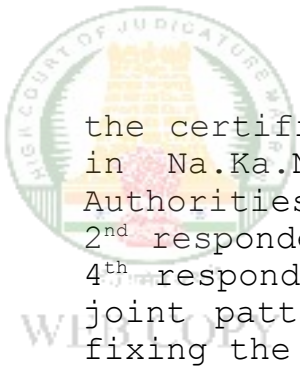
4.The Assistant Director of Survey &
Settlement Officer,
Assistant Director of Survey & Settlement Office
Dindigul District.

5.The District Registrar,
District Registration Office
Dindigul District
Dindigul.

6.The Sub Registrar
Registration Office,
Dindigul District
Dindigul

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondents resulting in the 6th respondent's impugned refusal cheque slip dated 30.01.2020 and dated 28.01.2020 passed in refusal No.RFL/Nagalnayakkanpatti/04/2020 and proceedings No.RFL/Nagalnayakkanpatti/01/2020 and quash the same in respect of the land in Survey No.6/3B in an extent of 50 cents and 56 cents in a total extent of 1 Acre 6 Cents situated at A-Vellode Village, Dindigul East Taluk, Nagalnayakkanpatti Sub Division, Dindigul, Dindigul District and direct the 6th respondent to register the two sale deeds dated 20.01.2020 and another individual patta bearing Survey Nos.6/3A and 6/3B in an extent of 1 Acre 20 cents which includes the subject matter of sale deeds as per



the certificate issued by the 3rd respondent dated 22.09.2008 issued in Na.Ka.No.4668/08/C3 and as per the proceedings of Revenue Authorities and various order of this Court and direct the 1st and 2nd respondents to issue an appropriate direction against the 3rd and 4th respondents to survey the lands in Survey numbers which are in joint patta and demarcate the petitioner's portion of the land by fixing the metes and bounds in

Survey Nos.34/1	-	5.13
34/3	-	1.85
36/1	-	5.09
37/3	-	4.62
11/2	-	3.55
14/12	-	1.51
20/1	-	30.00
383/1,2	-	1.65

thereby enabling the 5th and 6th respondents to register any document in the name of the petitioner in respect of the above survey numbers and also the individual patta bearing S.No.6/3B.

For Petitioner	:Mr.V.R.Venkatesan
For Respondents	:Mr.K.Sathiyasingh Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slips issued by the 6th respondent dated 28.01.2020 and 30.01.2020 and for a consequential direction to the 6th respondent to register both the sale deeds dated 20.01.2020 pertaining to the subject properties.

2. The case of the petitioner is that his right over the subject properties has been recognized repeatedly by the orders passed by the revenue authorities and also the earlier orders passed by this Court and in spite of the same, the 6th respondent has proceeded to issue the refusal check slips based on two earlier documents registered in the years 1990 and 2007.

3. Heard Mr.V.R.Venkatesan, learned counsel for the petitioner and Mr.K.Sathiyasingh, learned Additional Government Pleader, appearing on behalf of the respondents.

4. It is seen from the impugned check slips issued by the 6th respondent that reliance has been placed on two earlier documents registered in the years 1990 and 2007. The 6th respondent could have called the petitioner for an enquiry and sought for all the earlier documents and the orders passed subsequent to the same. The petitioner has derived the title over the property by placing



reliance upon various orders passed by the revenue authorities and also the earlier orders passed by this Court. The same is evident from both the sale deeds executed on 20.01.2020. If the 6th respondent was not convinced with the title of the petitioner, based on the registration of documents during the years 1990 and 2007, the 6th respondent should have sought for clarification from the petitioner, since the petitioner is placing reliance upon various orders passed by the revenue authorities and by this Court. This has not been done by the 6th respondent and aggrieved by the same, the present writ petition has been filed before this Court.

5. In view of the above, without going into the merits of the case, this Court deems it fit to interfere with the impugned refusal check slips issued by the 6th respondent and the same is hereby quashed. The petitioner is directed to re-present the documents along with a detailed representation accompanied by all the relevant orders passed by the revenue authorities and by this Court. The 6th respondent, on receipt of the same, shall enquire the petitioner and consider the materials placed before him and thereafter take a decision with regard to the registration of the sale deeds. This process shall be completed by the 6th respondent within four weeks from the date of re-representation of the documents along with the representation by the petitioner.

6. This writ petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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

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Dindigul

+2 CC to M/s.V.R.VENKATESAN, Advocate (SR-15896[F] dated 15/04/2021)

+1 CC to M/s.AGP (SR-15986[F] dated 16/04/2021)

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SSS(CO)
GS(30.04.2021) 4P 10C