



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.24611 of 2018

and W.M.P. (MD) .Nos.22313 & 22314 of 2018

A.Jeyaraman

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The District Revenue Officer,
Dindigul District.

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

4.The Deputy Tahsildar,
Head Quarters,
Dindigul East Taluk,
Dindigul District.

5.The Sub Registrar,
Nagal Naickkanpatti Sub Registrar Office,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned instruction prohibiting the registration of any documents over the petitioner's property bearing S.No.289/3 of Adiyanuthu Village, Dindigul East Taluk, Dindigul District, issued by the 3rd respondent to 5th respondent vide the communication letter in Na.Ka.No.5305/2017/Aa3, dated 09.06.2017 along with the list containing his property against serial No.8 and quash the same and consequently, direct the 3rd respondent to issue the petitioner 'No Objection Certificate' for registration of documents by 5th respondent over his property.

For Petitioner : Mr.K.Govindarajan

For Respondents : Mr.M.Lingadurai
Government Advocate



ORDER

This writ petition has been filed challenging the impugned instructions issued by the third respondent to the fifth respondent through letter, dated 09.06.2017 and for a consequential direction to the third respondent to issue No Objection Certificate for registration of the documents before the fifth respondent.

2. When the matter came up for hearing, on 23.06.2021, this Court passed the following order:

The subject matter of challenge in this writ petition is the impugned instructions issued by the third respondent, wherein, a direction has been given to the 5th respondent not to register any document pertaining to S.No.289/3.

2. The main ground that has been taken in the counter affidavit filed by the third respondent is that the lands in S.No.289/3 are categorized as Punja lands and therefore, no transaction can be permitted. Whereas the learned counsel for the petitioner brought to the notice of this Court the fact that there were transactions that took place right from 1967, when it was owned by one Pappu Naidu and the petitioner was the 5th purchaser of the property. That apart the petitioner had plotted the property and nearly 70 plots have already been sold and they were all registered. Therefore, there is no question of objecting to the sale of two other plots in the same survey number by coming up with a new stand that it is classified as Punja lands. The learned counsel for the petitioner also brought to the notice of this Court the information that was furnished to the petitioner by the fourth respondent pursuant to an application submitted by the petitioner under the RTI Act. The communication that is found at Page No.52 of the typed set of papers shows that the 4th respondent has clearly informed the petitioner that there are no records to show that the property has been classified as Punja land and as per the records available in the office, S.No.289/3 stood in the name of Pappur Naidu.

3. In view of this information that was conveyed by the 4th respondent, the stand taken by the third respondent becomes shaky. The learned Government Advocate has to necessarily clarify by providing the details as to when the land was classified as a Punja land and under what



proceedings. Even the counter affidavit filed by the third respondent is silent about the same and no particulars have been furnished.

5. Post this case under the caption 'for orders' on 07.07.2021. The learned Government Advocate shall take instructions and it is made clear that the matter will be heard and orders will be passed on that date."

3. The above order clearly captures the issue that is involved in the present writ petition.

4. When the matter was taken up for hearing today, the learned Government Advocate filed typed set of papers containing all the relevant documents. On a careful perusal of the documents, it is seen that the property was originally assigned in favour of Pappu Naidu by proceedings, dated 08.09.1957. An assignment patta was also issued in his favour. The said Pappu Naidu had sold the property in favour of one Thiagarajan in the year 1965. The said Thiagarajan had settled the property in favour of his daughter Suriya Prabha in the year 1997 and patta was also issued in her name. Thereafter, the said Suriya Prabha has sold the property in favour of one Sivaji in the year 2011 and in turn the said Sivaji had sold the property in favour of Rengarajan and John Peter by virtue of a registered sale deed, dated 20.04.2011. They in turn had executed a sale deed in favour of the petitioner on 16.12.2011. Pursuant to the purchase of the property, the patta was also transferred in the name of the petitioner in patta No.6277. It can also be seen from records that the 'A' Register also stands in the name of the petitioner.

5. The third respondent in the impugned objection letter, dated 09.06.2017, has taken a stand that the property is classified as a punja land. The documents that have been placed before this Court shows that the property in question has become a private property in the year 1957 itself and thereafter, it has been dealt with and the petitioner is the 5th purchaser of the property and patta has also been issued in his name.

6. In view of the above, the third respondent cannot take a stand that the property in question is a punja land and cannot be dealt with. This stand taken by the third respondent is not borne out by records.

7. In view of the above discussion, the impugned objection letter issued by the third respondent insofar as the subject property is concerned is hereby quashed. There shall be a direction to the 5th respondent to entertain the documents presented for registration by the petitioner, if it is otherwise in order and the necessary stamp duty and registration charges are paid.



8.This writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

TM

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 District Collector,
Dindigul District.

2.The District Revenue Officer,
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3.The Tahsildar,
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4.The Deputy Tahsildar,
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Nagal Naickkanpatti Sub Registrar Office,
Dindigul District.

+1 CC to M/s.SPL GP (SR-22691[F] dated 15/07/2021)

+1 CC to M/s.R.VENKATESWARAN, Advocate(SR-23089[F] dated 19/07/2021)

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