



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.3146 of 2022

T.R.Subbiah

... Petitioner

**Vs.**

- 1.The Inspector General of Registration,  
100, Santhome High Road,  
Pattinapakkam,  
Chennai - 600 028.
- 2.The District Collector,  
Thoothukudi District,  
Thoothukudi.
- 3.The Joint Commissioner/Executive Officer,  
Arulmigu Subramaniaswamy Thirukoil,  
Tiruchendur,  
Thoothukudi District.
- 4.The Assistant Commissioner,  
H.R&C.E. Department,  
Thoothukudi.
- 5.The Sub - Registrar,  
Kayathar Sub-Registrar Office,  
Kayathar,  
Thoothukudi District.

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 3 and 4 herein to issue 'No Objection Certificate' to the petitioner for registering his partition deed in respect of his land comprised in S.No.62/1 (5 Acres) situated at Aasoor Village, Kayathar Taluk, Thoothukudi District, based on his representation dated 20.10.2020.

|                     |                                           |
|---------------------|-------------------------------------------|
| For Petitioner      | : Mr.M.Maran                              |
| For R1, R2, R4 & R5 | : Mr.P.T.Thiraviam<br>Government Advocate |
| For R3              | : M.Muthugeethayan                        |

**ORDER**

The petitioner claims that the petitioner's father purchased a property about 12 cents of land vide four different sale deeds in the year 1925 and 1948, dated 19.01.1925 registered vide Document Nos.107/1-1925 and 108/1-1925 and sale deed, dated 23.11.1948, vide Document Nos.1528/1948 and 1529/1948. It is submitted that the petitioner's father had put up a construction and later, the petitioner's father died on 26.05.1983.

2. The learned counsel for the petitioner submits that patta has been issued in the name of the petitioner's father. It is the case of the petitioner that the petitioner's father, Ramasamy, has two sons, namely, the petitioner/T.R.Subbiah and T.R.Krishnasamy who died on 16.03.2011 leaving behind his wife as a sole legal heir. Under these circumstances, the petitioner wanted to partition the property between the petitioner and the petitioner's sister in law (Wife of late T.R.Krishnasamy) and therefore, he approached the fifth respondent, namely, Sub Registrar. However, the details of the so-called partition has not been given in the affidavit. It is submitted that the fifth respondent informed the petitioner that the petitioner could not partition the property in respect of land in Survey No.62/1 since the land belongs to the third respondent temple. The petitioner appears to have informed by the office of the fifth respondent that the Guideline Value Register, which is maintained by them, clearly stipulates that the land belongs to the third respondent. Under these circumstances, the petitioner appears to have approached the second respondent/District Collector on 24.10.2019. The second respondent, thereafter, called upon the petitioner for hearing on 26.11.2020.

3. It is the case of the petitioner that the petitioner appeared before the second respondent. However, the second respondent has not passed any order thereafter. It is the further case of the petitioner that the fourth respondent, by a communication, dated 08.04.2021, informed the petitioner that the request of the petitioner was forwarded to the third respondent to take action and since no action was taken, the petitioner was constrained to file this writ petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the averments filed in support of the writ petition and documents filed in support of the writ petition.

5. Whether the petitioner's father late Ramasamy was entitled to purchase the property or not, is now a matter before the second respondent. Pursuant to the representation of the petitioner, the



second respondent appears to have fixed a hearing on 26.11.2020. If appropriate orders are passed by the second respondent, the consequential orders can be passed by the respondents 4 and 5.

6. Considering the above, I am inclined to dispose the writ petition by directing the second respondent to pass appropriate orders on merits and in accordance with law on the representation of the petitioner, dated 24.10.2019, within a period of six weeks from the date of receipt of copy of this order. It is needless to state that before passing such order, the petitioner, sister in law of the petitioner and the third respondent shall be heard. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Sn

To

- 1.The Inspector General of Registration,  
100, Santhome High Road,  
Pattinapakkam,  
Chennai - 600 028.
- 2.The District Collector,  
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- 5.The Sub - Registrar,  
Kayathar Sub-Registrar Office,  
Kayathar, Thoothukudi District.



+1 CC to M/s.M.MARAN, Advocate ( SR-8601[F] dated 25/02/2022 )

+1 CC to M/s.M.MUTHU GEETHAYAN, Advocate ( SR-8602[F] dated 25/02/2022 )

+1 CC to M/s.SPL GP ( SR-8700[F] dated 25/02/2022 )

**ORDER MADE IN  
W.P (MD) .No.3146 of 2022  
24.02.2022**

KVL/12.03.2022/4P/9C