



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.6344 & 6396 of 2022

and

W.M.P.(MD)Nos.4958, 4959, 4981 & 4983 of 2022

WEB COPY

In W.P.(MD)No.6344 of 2022

Harilal Dhanjibai Patel

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul District.

3.The Joint Sub Registrar No.II,
Dindigul District,
Dindigul.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the second respondent vide his proceeding in Na.Ka.No.1771/2004/F1, dated 28.07.2021 and quash the same as illegal and consequently, directing the third respondent to register the document in respect of the petitioner's landed property totaling extent to 8 Acres, 7 Cents comprised in Survey Nos.569/5A, 569/7, 569/2D, 597/3A, 597/4C, 597/4B, 597/2, 597/4A, 597/3B, 598/1, 598/2, 598/3, 598/4, 598/5, 598/6, 598/7, 598/8, 598/9, 598/10, 598/11, 598/12, 604/3, 604/5, 604/4, 604/6, 603/1, 603/2 & 599/1 classified as punja lands situated at Pallapatti Village, Dindigul West Taluk, Dindigul District without insisting "No Objection Certificate" from the second respondent and other reliefs .

For Petitioner : Mr.N.Balasubramanian
For R1 & R3 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R2 : Mr.J.Lawrance
Standing Counsel

In W.P.(MD)No.6396 of 2022

Manjula Pen H Patel

... Petitioner

Vs.



1.The District Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul District.

3.The Joint Sub Registrar No.II,
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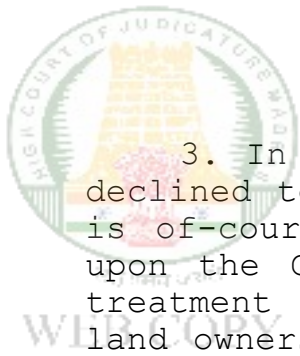
For Petitioner	: Mr.N.Balasubramanian
For R1 & R3	: Mr.K.S.Selva Ganesan Additional Government Pleader

For R2	: Mr.J.Lawrance Standing Counsel
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COMMON ORDER

Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for R1 & R3 and the learned standing counsel appearing for the second respondent.

2. The petitioner is owning a large extent of land in Pallapatti Village in Dindigul Taluk, Dindigul. The petitioner wants to deal with the same. But she is unable to have any transaction on account of the communication sent by the second respondent Corporation. According to the second respondent, they are having a sewage treatment plant in Pallapatti Village spread over an extent of 36 acres. For their future needs, they also want to acquire the adjacent lands. The petition mentioned lands fall within the said category. In view of the proposed acquisition, the second respondent has called upon the registering authority not to entertain any document for registering any transaction.



3. In view of the said communication, the third respondent has declined to receive the sale deeds from the petitioner herein. It is of-course open to the second respondent Corporation to prevail upon the Government to acquire the land situated near the sewage treatment plant. Till such acquisition takes place, the adjacent land owners have the right to deal with the property. There is no need to obtain No Objection Certificate from the corporation at all. The impugned communication is without jurisdiction.

4. It stands quashed. These writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul District.

3.The Joint Sub Registrar No.II,
Dindigul District,
Dindigul.

+1 CC to M/s.SPL.GP (SR-25091,SR-25100[F] dated
10/06/2022)

+2 CC to M/s.BALASUBRAMANIAN, Advocate (SR-25230,SR-25231[F] dated
10/06/2022)

+2 CC to M/s.J.LAWRANCE, Advocate (SR-25343,SR-25344[F]
dated 13/06/2022)

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=RD(28.06.2022) 3P 9C