



W.P.(MD)No.11011of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11011of 2022

M.Sivakumar

... Petitioner

Vs

1.The Commissioner / Director.

Tamil Nadu Boomidhana Board,
Commissioner of Land Reforms,
Chepauk,
Chennai.

2.The District Registrar,

Office of the District Registrar,
Department of Commercial Taxes and Registration,
Sivagangai District,
Sivagangai.

3.The Sub Registrar,

Office of the Sub Registrar,
Department of Commercial Taxes and Registration,
Kalaiyarkovil,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned receipt issued by the third respondent vide இரசீது எண். 971/2021, ஆவண எண்.P/Kalayarkovil/3/2021 dated 25.02.2021 and quash the



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same and consequently, direct the third respondent to release the document after registering the final decree dated 16.12.2020 passed in I.A.No.352/2016 in O.S.No.34/2013 by the Principal District and Sessions Court, Sivagangai.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner's mother filed a suit in O.S.No.34 of 2013, on the file of the learned District Judge, Sivagangai. Final decree was passed on 16.12.2020. Subsequently, the petitioner's mother passed away. Before her demise, she presented the said decree before the third respondent for registration. The third respondent declined to register the same on the ground that since the revenue record indicates the name of Tamil Nadu Boomidhana Board, No Objection Certificate must be obtained from the Board and that only thereafter, the decree can be presented for registration. This stand of the third respondent is put to challenge in this writ petition.

3. Since the petitioner's mother had passed away, the petitioner is entitled to maintain the writ petition. His *locus standi* cannot be questioned.



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4. It is seen, that in respect of the property in question O.S.No.174 of 2007 on the file of the District Munsif Court, Sivagangai was filed. The Tamil Nadu Boomidhana Board was shown as the first defendant in the said suit. The suit was decreed as prayed for. The first appeal is said to have been filed Tamil Nadu Boomidhana Board and the Revenue Authorities only in the year 2022. They had kept quiet for more than ten years. The land covered by the decree has already been declared as not belonging to Tamil Nadu Boomithana Board. Hence the registering authority could not have insisted that No Objection Certificate from Boomithana Board should be obtained. The impugned check refusal slip is quashed. The writ petition is allowed. The third respondent is directed to register the petition mentioned decree subject to fulfilment of other formalities. No costs.

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Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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3.The District Registrar,
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Department of Commercial Taxes and Registration,
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Sivagangai.

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