



W.P(MD)No.21061 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21061 of 2022

and

W.M.P(MD)Nos.15289 & 15290 of 2022

Saratha Sahaya Mary

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Kovilpatti Sub-Division,
Thoothukudi District.
- 2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.
- 3.The District Registrar,
Registration Department,
Thoothukudi District,
Thoothukudi.
- 4.The Sub Registrar,
O/o. Sub Registration Department,
Ottapidaram,
Thoothukudi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the records relating to the impugned order in RFL/OTTAPIDARAM/37/2019 dated 18.06.2019 passed by the fourth respondent and quash the same as illegal and consequently to direct the fourth respondent to register the document dated 18.06.2019 presented by the petitioner.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner wants to purchase the petition mentioned property. When the sale deed was presented for registration, the fourth respondent issued the impugned refusal check slip. The petitioner had been called upon to obtain No Objection Certificate from the Revenue Divisional Officer, Kovilpatti as the land has been assigned to legal heirs of Veerapandiya Kattabomman. The issue raised in the writ petition is no longer *res integra*.

3. The learned counsel appearing for the petitioner draws my attention to the order dated 29.05.2019 made in W.P(MD)No.12586 of 2019. In the said case also the issue now raised was involved. It reads as follows:



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“2.This Court in a number of writ petitions had quashed such a communication issued by the revenue authority. One such order is dated 29.04.2019 made in W.P. (MD)No.10772 of 2019.

3.This Court had consistently held that the revenue authority cannot restrain the registering authority from discharging their statutory functions. It is not as if the land in question has been included in the prohibitory index. Therefore, the order impugned in the writ petition is quashed. The third respondent is directed to register the petition mentioned document, of course, subject to fulfillment of other formalities.”

4. Adopting the very same approach, the order impugned in this writ petition is quashed. This writ petition is allowed. The petitioner is permitted to re-present the documents in question before the fourth respondent. The fourth respondent shall receive the same and register it subject to fulfilment of the other usual formalities. Consequently, connected miscellaneous petitions are closed. No costs.

02.09.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

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