



W.P.(MD).No.19733 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19733 of 2015

in

M.P(MD) Nos.1 to 3 of 2015

C.Palaniammal

... Petitioner

-VS-

1.The Inspector General of Registration,
Santhome Road,
Chennai.

2.The District Collector,
Theni District,
Theni.

3.The District Revenue Officer,
Theni District,
Theni.

4.The Tahsildar,
Theni Taluk,
Theni District.

5.The District Registrar,
Periakulam,
Theni District.

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6.The Sub Registrar,
NRT.Nagar,
Theni,
Theni District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the same relating to the impugned order passed by the 3rd respondent in his proceedings Na.Ka.No.12605/2009/Aa1 dated 20.10.2014 on the ground that the same is arbitrary, illegal, perverse and consequently directing the 6th respondent to register the Proposed documents in Survey No.747/5A of Koduvularpatti Village, Theni Taluk, Theni District.

For Petitioner	: Mr.R.Shankar Ganesh
For R1, R3, R5 & R6	: Mr.S.R.A.Ramachandran Additional Government Pleader
For R2 & R4	: Mr.A.Baskaran Additional Government Pleader

ORDER

The present writ petition has been filed challenging the communication sent by the 3rd respondent herein to the 5th respondent, directing him not to register any document relating to certain survey numbers.



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2.The petitioner has been assigned certain lands. As per the impugned communication of the 3rd respondent herein, he is proposing to cancel the said order of assignment on the ground that the assignee has violated the conditions of assignment. In view of the proposal, the 3rd respondent has requested the 5th respondent not to register any document relating to those survey numbers. The present writ petition has been filed challenging the said order.

3.A perusal of the impugned order shows that the 3rd respondent is only proposing to cancel the order of assignment, which was already granted in favour of the writ petitioner. Unless and until the order of assignment is cancelled, the petitioner is entitled to deal with the property as per the conditions in the order of assignment. In case any alienation takes place, the same is always subject to the cancellation of the order of assignment to be passed by the Revenue Authorities.



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4.In view of the aforesaid facts, the impugned communication sent by the 3rd respondent to the 5th respondent herein is hereby set aside. The Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
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28.09.2022

To

- 1.The Inspector General of Registration,
Santhome Road,
Chennai.
- 2.The District Collector,
Theni District, Theni.
- 3.The District Revenue Officer,
Theni District,
Theni.
- 4.The Tahsildar,
Theni Taluk,
Theni District.
- 5.The District Registrar,
Periakulam,
Theni District.

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6.The Sub Registrar,
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R.VIJAYAKUMAR,J.

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