



W.P.(MD)No.25875 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25875 of 2022

1.N.Murugasamy
2.R.Subramaniyan

... Petitioners

Vs

The Sub-Registrar,
Joint-II, Palani Taluk,
Palani, Dindigul District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent herein in Refusal Number:- RFL/2 number Joint Sub-Registrar, Palani/30/2022, dated 01.11.2022, quash the same and consequently, direct the respondent to consider the NOC issued by the Revenue Divisional Officer, Palani, in Na.Ka.No. 1901/2021/A5, dated 02.03.2021, 1902/2021/A5, dated 02.03.2021 for registering the properties, comprised in S.No.395/3D, to an extent of 1.24 Acres, S.No.397/1 to an extent of 3 Acres, totally 4.24 Acres of Periyammapatti Village, Palani Taluk.

For Petitioners

: Mr.M.Thirunavukkarasu

For Respondent

: Mr.S.R.A.Ramachandran
Additional Government Pleader



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ORDER

WEB COPY The petitioner has prayed for issuance of a Certiorarified Mandamus, to quash the impugned order passed by the respondent herein in Refusal Number:- RFL/2 number Joint Sub-Registrar, Palani/30/2022, dated 01.11.2022, and consequently, direct the respondent to consider the NOC issued by the Revenue Divisional Officer, Palani, in Na.Ka.No.1901/2021/A5, dated 02.03.2021, 1902/2021/A5, dated 02.03.2021, for registering the properties, comprised in S.No.395/3D, measuring an extent of 1.24 Acres and S.No.397/1, measuring an extent of 3 Acres, totally 4.24 Acres of Periyammapatti Village, Palani Taluk, Dindigul District.

2. Heard Mr.M.Thirunavukkarasu, learned counsel for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice for the respondent. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioners, originally, the lands in question had been assigned to one Manikandan, S/o.Sangili and Nachammal as early as on 17.04.1995 on condition to pay the land cost. Accordingly, they had paid the land cost and obtained the "F" Patta. In the



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month of January 2021, they had applied for NOC to the competent authority namely, the Revenue Divisional Officer for selling the said lands to a third party. The Revenue Divisional Officer, based on the report of the Village Administrative Officer and after perusing the relevant records, has passed a detailed order, vide his proceedings in Na.Ka.No.1901/2021/A5 and Na.Ka.No.1902/2021/A5, dated 02.03.2021, granting permission to sell the said lands to the third parties with conditions enumerated therein.

4. Further, according to the learned counsel for the petitioners, based on the NOC given by the Revenue Divisional Officer, the said Manikandan and his mother Nachammal have jointly sold the said lands to one S.Selvi, which was registered as Document No.3807/2021. Pursuant to the registration of the document, Patta has been changed in the name of the said S.Selvi. The petitioners intend to purchase the aforesaid lands from the said S.Selvi. Accordingly, they submitted the document for registration on 01.11.2022 before the respondent herein, who in turn, directed the petitioners to obtain NOC from the Revenue Divisional Officer since the guideline value was mentioned only as 'Zero'. The petitioners have submitted the NOC, dated 02.03.2021, issued by the Revenue Divisional Officer. But, the respondent did not consider the same and directed the petitioners to obtain a fresh NOC for registering the above said



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lands and refused to register the document. Challenging the same, the petitioner has filed the present Writ Petition for the relief stated supra.

5. The learned counsel appearing for the petitioners submitted that the respondent is not justified in passing the impugned order by directing the petitioners to obtain fresh NOC from the Revenue Divisional Officer when they produced the NOC given earlier for the very same lands in question. The respondent failed to see that already Document No.3807 of 2021, dated 25.08.2021, has been registered and guideline value has been fixed for the very same property and therefore, it is not correct to state that no guideline value is fixed for the above said lands and hence, the learned counsel seeks the indulgence of this Court.

6. On going through the documents filed by the petitioners in the form of typed set of papers, it is seen that in respect of the land in S.No.395/3D, Patta No.860 has been issued to Nachammal, W/o.Sangili and in respect of the land in S.No.397/1, Patta No.1081 has been issued to Manikandan, S/o.Sangili and in respect of the lands in S.Nos.395 and 397, Patta No.2174 has been issued to one S.Selvi. The Revenue Divisional Officer has issued NOC, vide his proceedings, dated 02.03.2021, stating that the aforesaid lands have been



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assigned to Nachammal, W/o.Sangili and Manikandan, S/o.Sangili and they have also paid the land cost on 17.04.1995 and 24.01.2001, respectively. The Revenue Divisional Officer, Palani, has granted the NOC on the following conditions:-

(i) The said lands cannot be utilized for any commercial purpose and the same cannot be plotted out by forming a layout and no building can be constructed in the said land.

(ii) The said lands should be utilized only for agricultural purpose.

(iii) No hindrance to be caused to the trees and the water channels in the said lands.

If there is any violation of the aforesaid conditions, they will cancel the said NOC. After that, the lands have been sold to one S.Selvi, vide registered sale deed, bearing Document No.3807 of 2021. Thereafter, the petitioners intend to purchase the said lands from the said S.Selvi and accordingly, they have presented the document on 01.11.2022 for registration, based on the NOC granted by the Revenue Divisional Officer, Palani. According to the petitioners, again and again, the respondent cannot direct them to get the NOC.

7. On going through the averments made in the Writ Petition, it is seen that the NOC has been granted once and the lands had been purchased by the



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said S.Selvi for a sale consideration of Rs.3,41,000/- and the same value has been mentioned in the document now presented by the petitioners herein. The said S.Selvi purchased the lands as early as on 25.08.2021 and now, the value of the said lands must have been increased and therefore, the respondent has to look into that aspect also. If lesser value has been quoted, then, the petitioners have to pay the differential value. As per the NOC, the petitioners cannot utilise the said property for any commercial purpose and they cannot form any layout or construct any building in the said lands and the same should be utilized only for agricultural purpose and no hindrance should be caused to the trees and the water channels in the said lands. As already one sale has been completed by paying the sale consideration fixed by the respondent after obtaining NOC and the property also vests with the said owner absolutely, there cannot be another NOC by the respondent again for the transaction in respect of the same property.

8. This Writ Petition stands disposed of with the above observation. No costs. .

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Index : Yes/No
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To
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The Sub-Registrar,
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V.BHAVANI SUBBAROYAN, J.

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