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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.299 of 2022

and

W.M.P(MD) Nos.231 & 232 of 2022

S.Mahendran

... Petitioner

Vs.

1.The Secretary to Government
Revenue Department,
Fort St. George,
Chennai - 600 009.

2.The Principal Commissioner and Commissioner of Land Reforms,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The Assistant Commissioner
Urban Land Ceiling and Urban Land Tax,
Old Collector Office,
Tiruchirappalli - 620 001.

4.The District Registrar
Registrar Office,
Court Building,
Tiruchirappalli - 620 001.

5.The Sub Registrar
Sub Registrar Office,
Palani Nagar,
K.Santhanur,
Tiruchirappalli - 620 021.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent pertaining to its proceeding bearing Na.Ka.No.A1/215/2016 dated 03.11.2016 and to quash the same and consequently directing the respondents 4 and 5 to register the documents submitted by the owners of the properties comprised in survey Nos.179/1A, 179/1B and 179/3 which were converted as plots in the name of Sanjeevi Nagar Extension by issuing no objection certificate and allow to register the documents and release the documents pertinent to the 114 plots which includes the constructed houses pertains to the said properties.

<https://www.mhc.tn.gov.in/judis>



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For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.Veera Kathiravan
Additional Advocate general
assisted by
Mr.J.Ashok - for R1 to R3
Additional Government Pleader

Mr.M.Prakash - for R4 & R5
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus, seeking interference with an order of the third respondent / Assistant Commissioner, Urban Land Ceiling and Urban Land Tax, Trichy, in Na.Ka.No.A1/215/2016 dated 03.11.2016 and consequently direct the fifth respondent / Sub Registrar, Sub Registrar Office, Palani Nagar, K.Santhanur, Trichy, to register the documents submitted by the petitioner herein relating to Survey Nos.179/1A, 179/1B and 179/3 which had been converted as plots in the name of Sanjeevi Nagar Extension by issuing 'No Objection Certificate'.

2. In the affidavit filed in support of the writ petition, it had been stated that the aforementioned lands have been sub-divided as plots and after sub-division several plots had already been sold and registered by the fifth respondent. When the subsequent plots were presented for registration by the petitioner herein, the fifth respondent had sought for 'No Objection Certificate' from the third respondent.

3. The petitioner approached the third respondent and it was informed that it was contemplated an appeal would be filed questioning the order of a learned Single Judge passed in the year 2002. It was under those circumstances that this Court had directed that it would only be appropriate the third respondent comes over to explain as to the necessity for filing an appeal of the year 2002 and the reasons for the delay in not taking up the issue for the past two decades.

4. The third respondent namely, Thiru.R.Muniappan, Assistant Commissioner, Urban Land Ceiling and Urban Land Tax, Trichy is present before this Court. The learned Additional Advocate General is also present.

5. The learned Additional Advocate General pointed out that the first and second respondents are not actually directly required to be parties to the writ petition, since the relief sought is quite narrow. But however, I would leave the issue of filing an appeal against the order of the learned Single Judge of the year



2002 open, since, the officials will have to take a decision in the manner known to law and in accordance with the procedures established, even though there is a delay of more than 20 years.

(*)6. A direction is however, given to the fifth respondent to register the document presented for registration. The petitioner may re-present the document relating to Survey Nos.179/1A, 179/1B and 179/3 which had been converted as plots in the name of Sanjeevi Nagar Extension by issuing 'No Objection Certificate', after getting necessary appointment through online and within a period of 15 working days, provided the documents are otherwise in order relating to stamp duty and registration charges, the documents may be registered. It is needless to point out that as on date since no appeal has been filed against the order of the learned Single Judge, registration may proceed.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

(*)Corrected as per the order of this court dated 25/04/2023 in WP (MD).No. 299 of 2022

Sd/-

Assistant Registrar (CS I)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

RM

(*)TO be substituted the order already despatched on 06/04/2023

To

1.The Secretary to Government
Revenue Department,
Fort St. George,
Chennai - 600 009.

2.The Principal Commissioner and
Commissioner of Land Reforms,
Ezhilagam,
Chepauk,
Chennai - 600 005.



3.The Assistant Commissioner
Urban Land Ceiling and Urban Land Tax,
Old Collector Office,
Tiruchirappalli - 620 001.

4.The District Registrar
Registrar Office,
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5.The Sub Registrar
Sub Registrar Office,
Palani Nagar,
K.Santhanur,
Tiruchirappalli - 620 021.

+1 CC to M/s.SPL.GP (SR-17273 & 17277[F] dated 24/03/2023)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-17151[F] dated
24/03/2023)

W.P(MD) No.299 of 2022
21.03.2023

VA/(02.04.2023) 4P 8C

KB/(27.04.2023) 4P 8C