



W.P(MD)No.2029 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2029 of 2022
and
W.M.P(MD)Nos.1739 & 1740 of 2022

M.Manikandan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
- 2.The Deputy Inspector General of Registrar,
O/o.the Deputy Inspector General of Registrar,
Palayamkottai, Tirunelveli District.
- 3.The District Registrar (Registration),
O/o.The District Registrar,
Tenkasi District.
- 4.The Tahsildar,
Alangulam Taluk,
Tenkasi District.
***(R.4 is suo motu impleaded vide
order of this Court dated 29.11.2023)***

... 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 Certiorarified Mandamus, to call for the records pertaining to the impugned order passed of the third respondent dated 01.09.2021 in O.Mu.No.3719/E4/2021 and quash the same as illegal and consequently direct the respondents to cancel wrong classification i.e. “Residential” and make entry as “Punja Land” in respect of land in Survey No.152/6 S.No.229/2 in an extent of 70 cents situated at Marutham puthoor Village Alangulam Taluk, Tenkasi District by considering the petitioner's representation dated 03.07.2021.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard both sides.

2.The grievance of the petitioner is that though 70 cents of land in Survey No.152/6 continues to retain its agricultural character, it has been wrongly classified as “Residential area” in the register maintained by the Registration Department.



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3.From the materials enclosed in the typed set of papers, I am more than satisfied that the property mentioned in the writ petition is agricultural in character. But the difficulties expressed by the Registration Department cannot be lost sight of. Survey No.152/6 originally measured 4.92 of acres. Out of the same, a substantial extent of land appears to have been sold as residential plots. Therefore, the petitioner has to apply to the fourth respondent and seek subdivision of Survey No.152/6 in respect of 70 cents of land standing in his name. As and when such an application is made, after complying with the usual formalities, subdivision shall be made by the fourth respondent and separate patta shall be issued in favour writ petitioner. This shall be done after notice to the other stake holders and interested persons. This exercise shall be completed by the Tahsildar, Alangulam Taluk within a period of ten weeks from the date of receipt of a copy of this order. Once such a subdivision has been obtained by the petitioner, the Registration Department shall classify the said subdivided number alone as an agricultural land. The Tahsildar, Alangulam will have to not only subdivide Survey No.152/6 but also indicate its character as agricultural land. It is of course open to the Tahsildar, Alangulam to undertake a field



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inspection and appropriate classification will be made based on his satisfaction. Once such a patta has been issued in favour of the petitioner in respect of the subdivided extent, the Registration Department will make consequential charges in their registry.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
- 2.The Deputy Inspector General of Registrar,
O/o.the Deputy Inspector General of Registrar,
Palayamkottai, Tirunelveli District.
- 3.The District Registrar (Registration),
O/o.The District Registrar,
Tenkasi District.

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4.The Tahsildar,
Alangulam Taluk,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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