



W.P.(MD)No.7003 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.7003 of 2020

and

W.M.P.(MD)No.6426 of 2020

Leanpious Kumar

... Petitioner

-VS-

1.The Revenue Divisional Officer,
Nagercoil Division,
Kanniyakumari District.

2.The District Registrar,
Kanniyakumari District, Nagercoil.

3.The Sub Registrar,
Sub Register Office,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Refusal Check Slip issued by the third respondent dated 17.03.2020, quash the same and direct the third respondent to register the sale deed executed by the petitioner in favour of Simon with respect to Re.Sy.No.N3/4-2 of Nagercoil Village.



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For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the refusal check slip issued by the third respondent, dated 17.03.2020 and for a consequential direction to the third respondent to register the sale deed executed by the petitioner in favour of one Simon with respect to the subject property.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

3. The refusal check slip has been issued by the third respondent on the ground that he has received a notice from the Revenue Divisional Officer, Nagercoil, dated 06.08.2014, to the effect that the subject property falls within the acquisition proceedings made for the purpose of the Tamil Nadu Housing Board.



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4. The property in question falls within the acquisition proceedings that were initiated in the year 1991 in G.O.(Ms)No.1213, Housing and Urban Development, dated 17.09.1991. The said acquisition Notification and the Declaration issued under Section 6 of the Land Acquisition Act, 1894, dated 14.12.1992, was quashed by this Court. In view of the same, there is no subsisting acquisition proceedings. This Court also made it clear that it will be left open to the respondents to go for fresh land acquisition proceedings in accordance with law.

5. In the absence of any subsisting acquisition proceedings pending against the property, which was sought to be conveyed by the petitioner, the third respondent cannot refuse to register the document only on the ground that he has received a letter from the Revenue Divisional Officer, Nagercoil, not to register any documents.

6. In the instant case, this Court finds that the petitioner had purchased the property through a registered sale deed, dated 17.01.2006 and he has even obtained regularization of the Plot through proceedings, dated 26.10.2018. In view of the same, the petitioner cannot be prevented from dealing with his own property in the absence of any subsisting acquisition proceedings.



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7. In the light of the above discussion, the impugned refusal check slip issued by the third respondent, dated 17.03.2020, is hereby quashed. There shall be a direction to the third respondent to entertain the sale deed and to register the same, if the petitioner has fulfilled all the other requirements and thereafter, the document shall be released.

8. In the result, this Writ Petition is allowed with the above directions.
No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
smn2

13.12.2023

To

- 1.The Revenue Divisional Officer,
Nagercoil Division,
Kanniyakumari District.
- 2.The District Registrar,
Kanniyakumari District, Nagercoil.
- 3.The Sub Registrar,
Sub Register Office,
Nagercoil.

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N.ANAND VENKATESH, J.

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