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W.P.(MD)NO.9075 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9075 of 2022

A.M.Sabarinathan

... Petitioner

Vs.

1. The Inspector General of Registration,
Chennai.
2. The District Registrar,
Combined Registrar Office,
Dindigul.
3. The Sub Registrar,
Oddanchatram Sub Registrar Office,
Oddanchatram, Dindigul.
4. The Tahsildar,
Oddanchatram,
Dindigul District.
(R-4 is *suo motu* impleaded
vide order dated 05.07.2022)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to take necessary steps and make necessary correction in encumbrance certificate for the survey No.425/3A6, Ambilikkai Village, Oddanchatram Sub Registrar Office, Dindigul based on the petitioner's representation dated 21.03.2022 within the stipulated time fixed by this Court.



For Petitioner : Mr.M.Viji

For Respondents: Mr.V.Nirmal Kumar,
Government Advocate.

* * *

ORDER

Heard both sides.

2. The petitioner's father purchased the petition-mentioned land on 07.09.1998 vide document No.1565/1998 on the file of the Sub Registrar, Oddanchatram, Dindigul. He executed the settlement deed dated 21.02.2007 in favour of the petitioner (document No.372/2007). The petitioner's father was issued with patta. It was subsequently mutated in favour of the petitioner.

3. While so in the registration records, the land has been shown as zero value. Questioning the same, the present writ petition came to be filed.

4. The learned Government Advocate on instructions submitted that the lands are "Panchami" lands and that they



were assigned in favour of one Murugan Mathari in the year 1991. According to him, "Panchami" land cannot be allotted subject to the matter of transactions or alienations. If that be so, I fail to understand as to how the petitioner's father was permitted to buy the property. The sale deed in favour of the petitioner's father as well as the settlement deed in favour of the petitioner are registered documents. When pattas were issued to the petitioner as well as to his father, without notice to them the property could not have been made valueless. The lands could not have been unilaterally converted into zero value lands. The action taken by the respondents is having an impact on the petitioner's civil rights.

5. The petitioner should have been put on notice. Since it was not done, I am constrained to interfere. This writ petition stands allowed. Respondents 2 and 3 will make necessary changes without any delay. Liberty is given to the respondents to take action as per law. No costs.

13.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

G.R.SWAMINATHAN,J.



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PMU

To:

1. The Inspector General of Registration,
Chennai.
2. The District Registrar,
Combined Registrar Office,
Dindigul.
3. The Sub Registrar,
Oddanchatram Sub Registrar Office,
Oddanchatram, Dindigul.
4. The Tahsildar,
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