



W.P.(MD) No.11345 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.11345 of 2020

and

WMP(MD) No.9932 of 2020

Antony Xavier

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti Sub Division,
Thoothukudi District.

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3.The District Registrar,
Registration Department,
Thoothukudi District,
Thoothukudi.

4.The Sub Registrar/Registration Officer,
Ottapidaram Sub Registrar Office,
Thoothukudi District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the fourth respondent in



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RFL/Ottapidaram/9/2020 dated 04.06.2020 and to quash the same as illegal and consequently, to direct the fourth respondent to register the document dated 04.06.2020 in respect of the properties of petitioner in survey No.483/3 situated at Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District to the extent of 1.215 hectare (3 Acres).

For Petitioner : Mr.R.Jegadeeswaran

For Respondent : Mr.M.Prakash
Additional Government Pleader

ORDER

The petitioner has approached this Court seeking the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order of the fourth respondent in RFL/Ottapidaram/9/2020, dated 04.06.2020 and to quash the same as illegal and consequently, to direct the fourth respondent to register the document dated 04.06.2020 in respect of the properties of the petitioner in Survey No.483/3 situated at Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District to the extent of 1.215 hectare (3 acres).



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2. In order to appreciate the petitioner's case, it is necessary to briefly allude to the facts preceding the filing of writ petition:-

It is the case of the petitioner that an extent of 3 acre, i.e., 1.215 hectare in Survey No.483/3 belonged to one Jegaveerapandidurai. He had sold the property to one Marimuthu and others under a registered sale deed dated 21.01.2008. The petitioner has, in turn, purchased the property from the said Marimuthu and others under a registered sale deed dated 04.06.2020. The petitioner had submitted the sale deed for registration through online after paying his stamp duty, registration fee, etc., on 04.06.2020, he was therefore surprised to receive a refusal order of the same date and a reading of the order would indicate that the document has been returned with the notice that the properties measuring 3 acres in Survey No.483/3 had been assigned to the legal representatives of Jegaveerapandidurai and therefore, the circular had been issued not to register any document in respect of the said lands. The petitioner has therefore challenged the said order by way of this writ petition.



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3. The learned counsel appearing for the petitioner would rely upon the order passed by this Court in W.P(MD)No.2799 of 2019, wherein the learned Judge had held that the respondent could retain the document, which is received for the registration, after completion of the formalities, only in the case of pendency of 47 A proceedings under the Stamp Act and not otherwise.

4. A counter affidavit has been filed by the fourth respondent *inter-alia* contending that the lands had been allotted to the legal representatives of the freedom fighter and the assignment in question, was a conditional one. They would further submit that if the beneficiary wanted to sell the property, then he has to obtain no objection certificate from the concerned Revenue Divisional Officer. Therefore, under the impugned order, the petitioner's request has been rejected.

5. Heard the learned counsel appearing on either side.

6. The property in question has been sold by one



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Jegaveerapandidurai to the vendors of the petitioner, which has been registered by the fourth respondent. It is the very same property that is now sought to be sold. Having accepted the sale deed and having registered it, the present stand on the second sale in respect of the very same property, appears unreasonable and even in the counter filed by the fourth respondent, no valid reasons have been given for refusing to register the same. Therefore, this writ petition is allowed and the petitioner shall represent the sale deed within a period of two weeks from the date of receipt of a copy of this order and on such re-filing, the fourth respondent is directed to register and release the documents within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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P.T.ASHA, J.

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