



W.P.(MD)No.12639 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12639 of 2021

and

W.M.P.(MD)Nos.9859 to 9861 of 2021

K.Muthuramalingam

... Petitioner

-VS-

1.The District Registrar,
Registration Department,
Theni,
Theni District.

2.The Sub Registrar,
Theni Sub Registrar Office,
Theni District.

3.The District Revenue Officer,
Collectorate Campus,
Theni District.

4.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Thamaraikulam,
Periyakulam,
Theni District.

... 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



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to the impugned order passed by the third respondent in Na.Ka.No. 12605/2009/Aa1, dated 08.02.2021 and the consequential impugned order passed by the second respondent in RFL/Theni/8/2021, dated 13.07.2021, quash the same as illegal and consequently, direct the second respondent to register the documents presented by the petitioner for registration, within the time frame fixed by this Court.

For Petitioner : Mr.S.Rajasekar
For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the third respondent, dated 08.02.2021 and the consequential refusal check slip issued by the second respondent, dated 13.07.2021, with respect to the subject property in Survey No.747/1 at Koduvilarpatti Village, Theni District.

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



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3. The document that was presented for registration was not entertained on the ground that the District Revenue Officer has issued instructions to the Sub Registrar not to entertain any documents with respect to Survey Nos.746, 747, 748 and 749 on the ground that steps are being taken to resume the lands, which were originally assigned in favour of the beneficiaries.

4. The issue involved in this Writ Petition is squarely covered by the earlier order passed by this Court in **W.P.(MD)No.21230 of 2016**, dated **04.11.2016** [**Natarajan vs. The Secretary to Government of Tamil Nadu, Revenue Department and others**]. The lands comprised in Survey Nos.476, 746, 747, 748 and 749 were assigned to various beneficiaries in the year 1973. Subsequently, the beneficiaries had sold the lands to various parties. An Association had questioned the same and had made representation to the District Collector to resume the lands and to cancel the assignments. W.P. (MD)No.633 of 2008 was filed in this regard. The Division Bench of this Court, by order dated 31.03.2008, declined to issue any such direction and instead, directed the Sub-Collector, Periyakulam, to hold an enquiry and to



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submit a report within six months. Pursuant to the same, the enquiry was conducted and the Revenue Divisional Officer submitted a report to the effect that the lands were purchased from the beneficiaries long time ago and houses have also been constructed and if any steps are being taken to evict, it will unnecessarily cause law and order problem.

5. Yet another Writ Petition came to be filed in W.P.(MD)No.21230 of 2016 and the above order and the decision that was taken by the Revenue Divisional Officer was recorded and this Writ Petition was dismissed on 04.11.2016.

6. It is clear from the above that the steps that were taken for resuming the lands were given up. Hence, the Sub Registrar cannot refuse to entertain the document on the ground that earlier, steps were taken for resuming the lands, which were assigned based on the complaint. The complaint itself has been closed and a decision has been taken to permit the occupiers of the land to continue with the occupation. In such view of the matter, the respective land owners must be allowed to deal with the property.



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7. In the light of the above discussion, this Writ Petition is allowed and there shall be a direction to the Sub Registrar to entertain the document and register the same, if all the other requirements are satisfied and thereafter, the document shall be released. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
smn2

14.12.2023

To

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Theni District.
- 2.The Sub Registrar,
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- 3.The District Revenue Officer,
Collectorate Campus,
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- 4.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Thamaraikulam,

5/6



Periyakulam,
Theni District.

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N.ANAND VENKATESH, J.

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