



W.P(MD)No.12840 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12840 of 2022

and

W.M.P.(MD)Nos.9113 and 9115 of 2022

J.Kumar

... Petitioner

Vs.

1.The Sub Registrar,
O/o. the Registration Department,
No.2, Office of the Joint SRO,
Kodirakulam, Palayamkottai,
Tirunelveli 627 009.

2.The Inspector of Police,
Land Grabbing Cell,
Tirunelveli Junction,
Tirunelveli 627 001.

3.Porkodi

... Respondents

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 of the 2nd respondent police dated 08.04.2022 and quash the same and consequently direct the 1st respondent Sub-Registrar to entertain the registration of the property in S.No.682/1, 682/1A5, 684/1A ad-measuring 4 acres 55 cent in T.S.Ward BF, Block 4, Town Survey No.75 and 76, Piranthankulam, Palayamkottai Village .



W.P(MD)No.12840 of 2022

For Petitioner : Mr.G.Rajagopalan,
For Mr.Om Sai Ram

For Respondents : Mr.S.Siddharthan,
Addl. Government Pleader for R1.
MrB.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R2.
Mr.B.Prasanna Vinoth for R3.

ORDER

Heard the learned senior counsel for the writ petitioner, the learned Additional Government Pleader for the first respondent, the learned Government Advocate (Crl. Side) for the second respondent and the learned counsel for the third respondent.

2.I consciously refrain from going into the merits of the matter. The second respondent by the impugned communication dated 08.04.2022 has called upon the first respondent not to register any document or transaction in respect of the subject properties without permission from the true land owners (third respondent). I called upon the learned Government Advocate (Crl. Side) to cite the relevant provision of law under which the aforesaid communication was sent. My attention has not been drawn to any specific provision as such. The Registration Act is a special enactment. The acts of the first respondent



W.P(MD)No.12840 of 2022

will have to be necessarily governed by the provisions set out in the Registration Act and the Rules framed thereunder. The investigation officer cannot issue any directive or even advisory to the registering authority. The impugned communication is patently without jurisdiction. It stands quashed and the writ petition is allowed. I make it clear that the scope of this writ petition is confined to the jurisdiction and authority of the second respondent. I have not gone into any other aspect. No costs. Consequently, connected miscellaneous petitions are closed.

23.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

1.The Sub Registrar,
O/o. the Registration Department,
No.2, Office of the Joint SRO,
Kodirakulam, Palayamkottai,
Tirunelveli 627 009.

2.The Inspector of Police,
Land Grabbing Cell,
Tirunelveli Junction,
Tirunelveli 627 001.



WEB COPY



W.P(MD)No.12840 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.12840 of 2022

23.01.2023
(2/3)