



W.P.(MD)No.13313 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.13313 of 2015

and

M.P.(MD).No.1 of 2015

Dhanalakshmi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai West Taluk,
Madurai.

3.The Sub Registrar,
Thirupparankundram Sub Registrar Office,
Thirupparankundram,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in O.Mu.No.4630/15/C dated 06.07.2015 and quash the same as illegal and consequently direct the respondents 1 and 2 issue necessary direction to the



W.P.(MD)No.13313 of 2015

third respondent for making Registration of the sale in respect of Plot No.35 in Survey No,371/1, Mottamalai, Kalaignar Nagar, Vilacheri Village, Madurai South Taluk within the time stipulated by this Court.

For Petitioner :Mr.V.P.Rajan

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader for R1 & R2

:Mr.M.Ramesh
Government Advocate for R3

ORDER

This writ petition challenges the order passed by the second respondent, wherein, the Tahsildar had rejected the request of the petitioner on the premise that there are some Court cases pending and for a consequential direction to direct the respondents 1 and 2 to issue a direction to the third respondent to register the sale deed in respect of Plot No.35 in Survey No.371/1, Mottamalai, Kalaignar Nagar, Velacheri Village, Madurai South Taluk.

2.The case of the petitioner is that the land was originally assigned to one Machakalai Thevar by proceedings, dated 05.10.1972 and



W.P.(MD)No.13313 of 2015

that the said Machakalai Thevar had sold the said property in favour of one Ponnuthai Ammal and the said Ponnuthai Ammal who in turn had subsequently sold the property to one Sumathi, from whom the petitioner is seeking to purchase the property. However, when the matter was presented for registration, the third respondent herein had refused to register the property claiming that the revenue officials will have to issue “No Objection Certificate”. When the petitioner had approached the Tahsildar namely, the second respondent herein, the second respondent had refused to grant “No Objection Certificate” on the ground that there were some proceedings pending before the Court. He would submit that the communication of the second respondent is bereft of any material facts and that he ought to have issued “No Objection Certificate” as sought for by the petitioner. Hence, he had come forward with this writ petition, with the aforesaid relief.

3.The learned Special Government Pleader, on written instructions in Na.Ka.No.4221/2022/C, dated 17.02.2023, would submit that the land had been originally assigned to Machakalai Thevar and thereafter, it is learnt that the said Machakalai has sold the land in favour of Ponnuthai



W.P.(MD)No.13313 of 2015

WEB COPY

Ammal and the said Ponnuthai Ammal in turn had transferred it in favour of Sumathi. The petitioner has approached the third respondent for registration of the sale deed. She would also further submit that in respect of certain assignment in the very same survey number, there have been some bogus documents created and therefore, certain criminal cases are pending before the concerned Court. Therefore, she would submit that there was no infirmity in the order passed by the second respondent.

4.I have considered the rival submissions made by the learned counsel appearing on either side.

5.It is not disputed that one Machakalai Thevar had been assigned a house site patta in Survey No.371/1 and his name has also been shown in Serial No.210 of the proceedings of the District Revenue Officer, Madurai. When that be so, the assignment under which the petitioner's predecessor had obtained title over the property, cannot be termed to be a bogus one. Hence,the said Machakalai had sold the property in favour of Ponnuthai Ammal, who in turn he had sold it to Sumathi, from whom, the petitioner is



W.P.(MD)No.13313 of 2015

WEB COPY

seeking to purchase the property. Hence, without advertting to the order passed by the second respondent impugned in this writ petition, the third respondent is directed to entertain the sale deed presented by the petitioner and proceed further on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition stands disposed of. There shall be no order as to costs. consequently, connected miscellaneous petition is closed.

20.02.2023

NCC :Yes/No

Internet :Yes/No

Index :Yes/No

sbm



W.P.(MD)No.13313 of 2015

To
WEB COPY

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Madurai West Taluk,
Madurai.
- 3.The Sub Registrar,
Thirupparankundram Sub Registrar Office,
Thirupparankundram,
Madurai District.



WEB COPY



W.P.(MD)No.13313 of 2015

K.KUMARESH BABU, J.

sbn

W.P.(MD)No.13313 of 2015
and
M.P.(MD).No.1 of 2015

20.02.2023