



W.P(MD)No.9912 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9912 of 2014

A.Subbrathinam (Died)

1.S.Selvi

2.S.Mariappan

3.S.Deivanai

... Petitioners

*(P1 to P3 are impleaded vide order dated
07.03.2022 in W.M.P.(MD)No.13871 of 2019
in W.P.(MD)No.9912 of 2014 by AQJ)*

Vs.

1.The Sub Registrar,
O/o. Sub Registrar,
Thiruvarampu,
Thiruvarampur Taluk,
Trichy District.

2.The Joint Commissioner,
HR & CE Department,
Tiruchirappalli.

... Respondents

*(R2 is impleaded vide order dated 12.09.2014
M.P.(MD)No.1 of 2014 in W.P.(MD)No.9912
of 2014 by TSSJ)*



W.P(MD)No.9912 of 2014

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the respondent dated 16.05.2014 in Na.Ka.No.171/2014 refusing to release the deed of exchange dated 15.11.2010 in P.No.397/2010 and quash the said proceedings and to direct the respondent to register the said document dated 15.11.2010 styled as Deed of exchange executed between the petitioner as Party No.1 and Pattaiyardars Marimuthu Servai son of Marathamuthu Servai (1) Thangavelu Kilikondar son of Sangilimuthu (2) Sangilimuthu Chettiar son of Kathaperumal (3) Sangilimuthur Konar son of Karuppaiah (4) as Party No.2.

For Petitioners : No appearance

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader.

ORDER

The learned counsel who filed this writ petition has withdrawn his appearance. He has filed memo to that effect. The matter was listed on 03.07.2023. It was adjourned by printing the names of the writ petitioners. The original writ petitioner had passed away and legal heirs have also come on record and their names have also been printed.



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2.What is under challenge is the communication of the registering authority. The petitioners want to deal with the petition mentioned lands. The registering authority had informed the petitioners that in the guideline register the lands have been shown as temple lands and that patta has not been issued with in favour of any private individual. The patta is in the name of Arulmigh Muthumari Amman Temple. The registering authority therefore called upon the original petitioner to first obtain patta and thereafter get no objection certificate from HR & CE Department. It was made clear that only after these two conditions are fulfilled, the department will thereafter proceed to fix the guideline value and then entertain the document from the original petitioner. The stand taken by the registering authority cannot be faulted. It is very much in consonance with the statutory scheme set out in the Registration Act, 1908 and the Rules framed thereunder. Interference is not warranted and the writ petition stands dismissed. No costs.

04.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Sub Registrar,
O/o. Sub Registrar,
Thiruvarampu,
Thiruvarampur Taluk,
Trichy District.
- 2.The Joint Commissioner,
HR & CE Department,
Tiruchirappalli.

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