



W.P.(MD)No.21152 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21152 of 2021
and
W.M.P.(MD).No.17722 of 2021

R.S.Ramraj

... Petitioner

Vs.

1.Bodinayakanur Municipality,
Represented by its Commissioner,
Bodinayakanur,
Theni District.

2.The Sub Registrar,
Bodinayakanur,
Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned letter issued by the first respondent in Na.Ka.No. 2299/2014/F1 dated 06.08.2021, quash the same.

For Petitioner : Mr.M.Saravanan

For R-1 & R-2 : Mr.B.Saravanan,
Additional Government Pleader



W.P.(MD)No.21152 of 2021

ORDER

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This Writ Petition has been filed challenging the impugned letter issued by the first respondent in Na.Ka.No.2299/2014/F1 dated 06.08.2021, wherein, the instructions were given to the second respondent not to entertain any document pertaining to the subject properties, since there is a proposal to acquire the lands in order to lay a road.

2. Heard the learned counsel on either side.

3. The grievance of the petitioner is that as the owner of the subject properties, he wanted to avail a loan for putting up a construction in the property. He was informed by the Bank Officials that the first respondent has issued a communication to the second respondent to the effect that no documents must be entertained with respect to the subject properties in Survey Nos.801/15, 801/16A, 801/2x and 801/3A of Survey Ward No.4 at Bodinayakanoor town on the ground that they are proposing to acquire the lands for laying roads. The subject letter has been put to challenge in this Writ Petition.



W.P.(MD)No.21152 of 2021

WEB COPY

4. In the considered view of this Court, a mere contemplation to acquire a property cannot be a ground to stop the owner of the property from dealing with this property. Even though the right to property is not a fundamental right, a constitutional right has been guaranteed under Article 300 A of the Constitution of India, which specifically provides that no person shall be deprived of his property save by authority of law. In view of the same, till the property is acquired in the manner known to law, a mere proposal to acquire the land in future can never be put against the owner of the property to deal with his own property. A contemplation to acquire the lands in future does not have the stamp of law and hence, the owner cannot be deprived to deal with his property by virtue of the right guaranteed under Article 300 A of the Constitution of India.

5. In the light of the above discussion, the impugned letter issued by the second respondent cannot be put against the petitioner and the petitioner will be permitted to deal with his properties till proper steps are taken to acquire the property in accordance with law.

6. In the result, the Writ Petition is disposed of with the above



W.P.(MD)No.21152 of 2021

directions. No costs. Consequently, the connected miscellaneous petition is closed.

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24.11.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The Commissioner,
Bodinayakanur Municipality,
Bodinayakanur,
Theni District.

2.The Sub Registrar,
Bodinayakanur,
Theni District.

N.ANAND VENKATESH, J



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W.P.(MD)No.21152 of 2021

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W.P.(MD)No.21152 of 2021

24.11.2023