



W.P(MD)No.29548 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29548 of 2023

and

W.M.P. (MD) No.25506 of 2023

C. Sivakami

... Petitioner

Vs.

1. State of Tamilnadu,

**Rep by its Principal Secretary and
Commissioner of land Administration,
Department of Land Reforms,
Chepauk,
Chennai.**

2. The District Revenue Officer,

**Collectorate,
Theni District,
Theni.**



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3. The District Registrar,
Periyakulam,
Theni District.

4. The Sub Registrar,
Theni District,
Theni.

... Respondents

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 impugned order made by the 2nd Respondent in his proceeding sin Na.Ka.No.12605/2009/Aa1 dated 20.10.2014 and quash the same as illegal and consequently direct the 4th respondent for Register any document in respect of the petitioner land in Survey No. 747/9 having extent of 1303.875 sq.feet. (Doc. No.1-1304/2001) Theni S.R.O., Situated at Aranmanaipudur West, Kodivilarpatti Village, Theni District.

For Petitioner : Mr.M.Beema Rao

For Respondents: Mr.S.Ra.Ramachandran
Additional Government Pleader



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any document relating to those survey numbers. The present writ petition has been filed challenging the said order.

3. A perusal of the impugned order shows that the third respondent is only proposing to cancel the order of assignment, which was already granted in favour of the writ petitioner. Unless and until the order of assignment is cancelled, the petitioner is entitled to deal with the property as per the conditions in the order of assignment. In case, any alienation takes place, the same is always subject to the cancellation of the order of assignment to be passed by the Revenue Authorities.

4. In view of the aforesaid facts, the impugned communication sent by the third respondent to the fifth respondent herein is hereby set aside. The Writ Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.”



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3. I wonder as to why the petitioner should have filed this Writ Petition. The learned counsel for the petitioner commented that the Registering Authority is insisting the petitioner also must obtain one more orders from this Court.

4. In my view, it is not necessary. When the impugned communication, dated 20.10.2014 issued by District Revenue Officer, Theni, has already been set aside, the Registering Authority will treat the same as non existent. So long as the said order, dated 30.09.2022 in W.P.(MD)No.20334 of 2015 is holding good and has not been stayed or set aside by the Hon'ble Division Bench of this Court, the Registering Authority cannot take note of the same for any purpose.

5. With this declaration and direction to the fourth respondent, the Writ Petition is allowed and the impugned



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communication is set aside. No costs. Consequently, connected miscellaneous petition is closed.

13.12.2023

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

RM



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To:

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G.R.SWAMINATHAN, J.

RM

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