



W.P(MD)No.30419 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30419 of 2023

and

W.M.P(MD)No.26188 of 2023

Gurusamy

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Adi Dravidar and Tribunal Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai.
- 2.The District Collector,
Tenkasi District,
Tenkasi.
- 3.The Special Tahsildar (L.A),
Adi Dravidar and Scheduled Tribe
Welfare Department,
Tenkasi.
- 4.The District Registrar,
Tenkasi District,
Tenkasi.



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5.The Sub Registrar,
Kadayanallur,
Tenkasi District.

6.The Block Development Officer,
Kadayanallur,
Tenkasi District.

... 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 pursuant to the Impugned Refusal Check Slip dated 07.12.2023 in RFL/Kadayanallur/31/2023 passed by the fifth respondent and set aside the same and to direct the respondents to register this Court's order dated 05.09.2023 in Cont.P(MD)No.1138 of 2023 in W.P(MD)No.13598 of 2022 and order dated 01.09.2022 in W.P(MD)No. 13598 of 2022, as directed by this Court.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The petitioner filed W.P(MD)No.13598 of 2022. It was allowed on 01.09.2022 in the following terms:



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“3.In these circumstances, the impleaded fourth respondent is directed to authorise the Special Tahsildar to reconvey the petition mentioned property to the writ petitioner. The entire process shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.”

Contending that the order passed by this Court had not been complied with, the petitioner filed Cont.P(MD)No.1138 of 2023. The Contempt Petition was disposed of in the following terms:

“7. This contempt petition is therefore disposed of with the following directions:-

a) The Sub Registrar, Registration Department, Kadayanallur, Tenkasi District shall register the order as well as the order dated 01.09.2022 made in W.P. (MD)No.13598 of 2022 upon the application being presented by the writ petitioner.

b) A copy of the proceedings dated 28.06.2023 issued by the Revenue Divisional Officer, Thenkasi in Ni.Mu-A3-2465-2023 as well as the patta shall form part of this order.”



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The case of the petitioner is that when in terms of the order passed by this Court, the orders were presented for registration, the fifth respondent declined to register the same. To that effect, refusal check slip was issued. Challenging the same, the present writ petition came to be filed.

3.The sixth respondent had issued the impugned refusal check slip based on the direction of the fourth respondent. The fourth respondent has clearly overreached the process of this Court. It is too obvious that the impugned refusal check slip runs counter to the direction given by this Court on 05.09.2023 in Cont.P(MD)No.1138 of 2023. The impugned refusal check slip is quashed. The said direction shall be complied with.

4.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.12.2023

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



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G.R.SWAMINATHAN, J.

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