



W.P.No.25909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25909 of 2024

A.Elangovan

...Petitioner

Vs.

1.The District Collector
Ariyalur District
Ariyalur.

2.The Revenue Divisional Officer
Udayarpalayam Division
Udayarpalayam
Ariyalur District.

3.The Tahsildar
Udayarpalayam Taluk
At Jayankondam & Post
Ariyalur District 621 802.

4.The Sub-Registrar of Registration
Vikkramangalam & Post
Udayarpalayam Taluk
Ariyalur District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the communication of the second respondent in Mu.Mu.A2/2413/2022 dated 21.07.2022 and quash the same in so far as it prohibits the registration of the sale deeds and transfer of title deeds in respect of the lands in SF.No.550/6 & 550/7 of Sripuranthan (South) Village, Udayarpalayam Taluk, Ariyalur District and consequently direct the fourth respondent to accept and register the sale deeds and other transfer of title deeds.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.A.Selvendran for R1 to R4
Special Government Pleader

ORDER

Challenging the order passed by the second respondent directing the petitioner not to alienate the properties in respect of which patta was restored in favour of the petitioner, he has come before this Court.



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2. It is the case of the petitioner that the subject property situated in S.F.Nos.550/6 and 550/7 measuring an extent of 0.47.0 and 0.55.0 ares respectively, at No.67, Sripurandhan (South) Village, Udayarpalayam Taluk, Ariyalur District, was acquired under the provisions of Tamil Nadu Act 31/1978, in the year 2005. The land acquisition proceedings were challenged by the petitioner in W.P.No.23593 of 2007 and the same was allowed on 31.03.2015 quashing the land acquisition proceedings. Since the order passed by this Court in W.P.No.23593 of 2007 attained finality, the petitioner filed an application before the official respondents seeking issuance of patta in his favour and the same has not been considered. Hence, another Writ Petition was filed in W.P.No.16531 of 2020 and the same was disposed of by directing the third respondent to consider the request of the petitioner and pass final order on its own merits. Subsequently, the third respondent rejected the request of the petitioner for grant of patta. The said order was challenged by the petitioner in W.P.Nos.13460 & 13586 of 2021. The said writ petitions were allowed by quashing the order passed by the third respondent refusing to grant patta to the petitioner. Further, the third respondent was directed to grant patta to the petitioner subject to any interim order passed in an appeal allegedly filed by the respondents. Since the official respondents failed to implement the order



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passed in above writ petitions, the Contempt Petition was filed in Cont.P.No.1248 of 2022. When the contempt petition came up for hearing, it was informed by the official respondents that the patta was granted in favour of the petitioner and the direction issued by this Court had been complied with. Recording the same, the Contempt Petition was closed. After closure of contempt petition, the second respondent passed the impugned order directing petitioner not to alienate the subject property. In the impugned order, the second respondent also directed concerned Sub-Registrar, the fourth respondent herein not to entertain any registration in respect of the subject property.

3. The learned counsel for the petitioner submitted that the second respondent has no power to injunct the petitioner, who is the real owner of the property and the further direction issued by the second respondent directing the Registering Authority not to entertain any registration is without jurisdiction.

4. Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 4 fairly submitted that the second



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respondent is not entitled to pass an order directing the owner of the property not to alienate the property.

5. The owner of the property is entitled to deal with his property and right to alienate the property is one of the essential incidence of ownership. The petitioner as owner of the property has every right to alienate the property. The second respondent / Revenue Divisional Officer is not entitled to pass any prohibitory order against alienation or restraining the owner from dealing with his property.

6. Likewise, the second respondent has no jurisdiction to issue any direction to the Registering Authority not to entertain registration of document. The same would amount to interference with the statutory power of the Registering Authority. The direction issued by the second respondent is without jurisdiction and hence the same is set aside. Accordingly, this Writ Petition is allowed. No costs.

19.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



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