



W.P(MD)Nos.2675 of 2024 & 10328 & 10867 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)Nos.2675 of 2024 & 10328 & 10867 of 2023

and

W.M.P(MD)No.2688 of 2024, 9168 & 9525 of 2023

Ganesan

... Petitioner in all W.Ps'

Vs

1.The District Registrar (Administration),
Thoothukudi District, Thoothukudi.

2.The Joint-I Sub-Registrar,
Joint-I Registration Office,
Thoothukudi,
Thoothukudi District.

3.The Executive Engineer,
Administrative Office,
Tamil Nadu Housing Board (TNHB),
Tirunelveli Housing Section,
Tirunelveli,
Tirunelveli District.

... Respondents in all W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent to receive the proposed sale deeds of the petitioner in respect of Survey No.122/2 in Plot No.32 measuring an extent of 5 cents in Sankaraperi Village, Thoothukudi District, Survey No.120/1A2, measuring an extent of 6 cents in Sangaraperi Village, Thoothukudi District and Survey No.120/1B1, measuring an extent of 6 cents in Sangaraperi Village, Thoothukudi District.



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In all W.Ps':

For Petitioner : Mr.P.M.Vishnuvarthanan
For RR 1 & 2 : Mr.S.P.Maharajan
Special Government Pleader
For R - 3 : Mr.S.Velmurugan

COMMON ORDER

These Writ Petitions have been filed for a direction, directing the second respondent to receive the proposed sale deeds of the petitioner in respect of the properties comprised in Survey No.122/2 in Plot No.32 measuring to an extent of 5 cents in Sankaraperi Village, Thoothukudi District; Survey No.120/1A2, measuring to an extent of 6 cents in Sangaraperi Village, Thoothukudi District and Survey No.120/1B1, measuring to an extent of 6 cents in Sangaraperi Village, Thoothukudi District.

2.In all three Writ Petitions, the petitioner is one and the same and a common order is passed.

3.The petitioner owned the properties comprised in Survey No.122/2 in Plot No.32 measuring to an extent of 5 cents in



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Sankaraperi Village, Thoothukudi District; Survey No.120/1A2, measuring to an extent of 6 cents in Sangaraperi Village, Thoothukudi District and Survey No.120/1B1, measuring to an extent of 6 cents in Sangaraperi Village, Thoothukudi District. When the petitioner intended to sell the same in favour of the third parties, the third respondent raised objections for the registration of the sale deeds on the ground that the subject property was already acquired by the third respondent.

4.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5.On perusal of the counter-affidavit filed by the third respondent would reveal that the subject properties were already acquired and the award was also passed on 29.07.1988. As per the award, the compensation amount was already directed to be deposited before the civil Court under Section 31(2) of the Land Acquisition Act, 1984 under the reference under Section 30 of the Land Acquisition Act, 1984. However, the acquisition proceedings were challenged in a batch of Writ Petitions and this Court allowed the Writ Petitions and also set aside the award and entire Land



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Acquisition proceedings. Once again, the respective land owners approached this Court by way of issuance of 'No Objection Certificate' by the third respondent to deal with the subject properties. All the Writ Petitions were allowed by order dated 31.08.2023. However, the third respondent aggrieved by the said order filed an appeal before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court of India in S.L.P.No.10443 of 2024, ordered status quo, by order dated 12.03.2024. However, the learned counsel appearing for the petitioner would submit that the subject properties comprised in Survey Nos.122/2, 120/1A2 and 120/1B1 situated at Sangaraperi Village, Thoothukudi District are not coming under the Land Acquisition Proceedings.

6.In view of the above, the Registering authority is directed to conduct an enquiry, on the presentation of any documents for registration, after issuance of notice to the concerned parties and after affording an opportunity to the parties concerned and pass orders on merits and in accordance with law as expeditiously as possible.



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7. With the above direction, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

07.11.2024

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

1. The District Registrar (Administration),
Thoothukudi District, Thoothukudi.
2. The Joint-I Sub-Registrar,
Joint-I Registration Office,
Thoothukudi,
Thoothukudi District.
3. The Executive Engineer,
Administrative Office,
Tamil Nadu Housing Board (TNHB),
Tirunelveli Housing Section,
Tirunelveli,
Tirunelveli District.



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G.K.ILANTHIRAIYAN, J.

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Order made in
**W.P(MD)Nos.2675 of 2024
& 10328 & 10867 of 2023**

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