



W.P(MD).No.3266 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.3266 of 2023
and
W.M.P(MD).No.3027 of 2023**

Mohamed Musthafa

... Petitioner

Vs.,

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The District Registrar,
Virudhunagar District,
Virudhunagar.

4.The Sub Registrar,
Tiruchuli Sub Registrar Officer,
Tiruchuli, Virudhunagar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the second respondent in Na.Ka.No.D1/5729/2021 dated



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27.04.2021 and consequential impugned check slip passed by the fourth respondent in refusal number:RFL/Thirusuli/55/2022 dated 08.12.2022 and quash the same and consequently to direct the fourth respondent to register the sale deed executed by the petitioner dated 09.12.2022.

For Petitioner : Mr.N.Mohideen Basha
For Respondents : Mr.C.Satheesh
Government Advocate (Crl.side)

ORDER

This writ petition has been filed challenging the impugned check slip passed by the fourth respondent in refusal number:RFL/Thirusuli/55/2022 dated 08.12.2022 with consequential direction to the fourth respondent to register the sale deed executed by the petitioner dated 09.12.2022.

2. It is the case of the writ petitioner that the subject property in Survey No.14/2C3 to an extent of 5 cents and Survey No.14/4B to an extent of 64 cents situated at T.Chettikulam Village, Tiruchuli, Virudhunagar District, belongs to him and he intended to sell the said property to one Ibrahim Salman and after executing a sale deed in favour of Ibrahim Salman on 08.12.2022, when the petitioner approached the fourth respondent to register the said sale deed, the same



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was refused by the authority citing the letter sent by the second respondent dated 27.04.2021 in Na.Ka.No.D1/5729/2021, wherein it is stated that the subject properties are proposed to be acquired for river linking project. Challenging the same, the petitioner is before this Court.

3. The learned Government Advocate (crl.side) appearing for the respondents would submit that as per the instructions, the fourth respondent has not registered the petitioner's document.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is of the view that merely on the basis of any proposal for acquiring land, registration cannot be refused. There is no notification was issued for such acquiring. Even the Government under the eminent domain has power to acquire any property by following due process of law. Therefore, the right of the properties' owner cannot be taken away merely citing the said letter.



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6. In such view of the matter, the impugned refusal check slip in refusal number:RFL/Thirusuli/55/2022 dated 08.12.2022 stands quashed and the fourth respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

03.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The District Registrar,
Virudhunagar District,
Virudhunagar.
- 4.The Sub Registrar,
Tiruchuli Sub Registrar Officer,
Tiruchuli, Virudhunagar.

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N.SATHISH KUMAR, J.

Rmk

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