



W.P.(MD)No.3714 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.3714 of 2023

and

W.M.P.(MD).No.3495 of 2023

N.Manimekalai

... Petitioner

Vs.

1.The District Registrar,
O/o. The District Registrar,
Integrated Complex,
Jeyamkondam Road,
Ariyalur District.

2.The Sub Registrar,
O/o.Sub Registrar,
Uppiliyapuram,
Thuraiyur Taluk,
Trichy District.

3.The District Collector,
Trichy.

4.The Managing Director,
Tamil Nadu Adi Dravidar Housing
and Development Corporation Limited (TAHDCO),
No.31, Cenotaph Road, 2nd Lane, Teynampet,
Chennai-600 018.

... Respondents

(Respondent No.3 suo motu impleaded vide Court order dated 17.10.2024 in
W.P.(MD).No.3714 of 2023)



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(Respondent No.4 impleaded vide Court order dated 17.10.2024 in W.M.P.
(MD).No.20648 of 2024 in W.P.(MD).No.3714 of 2023)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.187/2022, dated 09.12.2022 and consequential impugned order passed by the first respondent vide his proceedings in Na.Ka.No.4609/A1/2022, dated 22.12.2022 and quash the same as illegal and consequently to direct the second respondent to register the pending documents No.P-7 / 2012 & P-11/2012 to be presented by the petitioner and to return the documents to the petitioner after registration of the documents within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Mohamed Suhail,
for M/s.Ajmal Associates

For R-1 to R-4 : Mr.D.Sadiq Raja,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent in Na.Ka.No.187/2022, dated 09.12.2022 and consequential impugned order passed by the first respondent vide his proceedings in Na.Ka.No.4609/A1/2022, dated 22.12.2022 thereby refusing the registration of sale deed, which was presented for registration in respect of the subject property.



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2. The property in Survey No.714, situated in Thenparanadu, Duraiyur Taluk, Ariyalur Registration District, Trichy District, consists of five acres. Out of the total extent of 5 acres, the petitioner purchased three acres through sale deed, dated 25.06.2012 and one acre through another sale deed, dated 01.11.2012. The sale deed, dated 25.06.2012 was presented for registration on 25.06.2012 on the file of the second respondent and it was kept pending as P7/2012. On enquiry, the petitioner was informed that there was deficit stamp duty and the proceedings has to be initiated under Section 47-A of the Stamp Act. Another sale deed, dated 01.11.2012 was presented for registration on the same day and the same was also kept pending as P.11 of 2012 for the very same reason.

3. It was returned without prior notice. Therefore, it was challenged before this Court in W.P.(MD).No.3395 of 2022 and this Court by an order, dated 23.02.2022 directed the respondents to consider afresh after giving opportunity of hearing to the petitioner by submitting explanation. But thereafter, the second respondent refused to register the sale deeds, which were presented for registration. It was also confirmed by the second respondent by an order, dated 22.12.2022.



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4. The learned Additional Public Prosecutor has produced a report received from the Sub Registrar Office, Uppuliyapuram.

5. As per the report, the subject lands were assigned to the Hill Tribes.

The relevant portion in the said report is extracted hereunder:

“Hill Tribes-Conditional assignment-In the / following cases the assignment of land to Malaiyalis or Sholagas, as the case may be shall subject to the conditions that the land shall not be transferred by the assigness to any persons outside the class to which they belong without the express sanction of the Divisional Officer, and that if the shall be liable to resumption by the Divisional Officer without payment of any compensation.”

6. Insofar as the subject property is concerned, the same was originally assigned to the Tribes and the petitioner has purchased the subject property by violating the conditions. Therefore, there is a bar under Section 22-A of the Registration Act to register any deed in respect of the property belongs to the lands of Kombai, Tenbaranadu and Vannadu on the Panchamalis in the Musiri Taluk. Therefore, the petitioner was directed to obtain no objection certificate from the Revenue Department.



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7. Hence, this Court finds no infirmity in the impugned order passed by the second respondent in Na.Ka.No.187/2022, dated 09.12.2022 and consequential impugned order passed by the first respondent vide his proceedings in Na.Ka.No.4609/A1/2022, dated 22.12.2022 and the petitioner is at liberty to present a fresh sale deed with all required documents for registration.

8. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

12.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

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