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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4797 of 2024

M.Selvam ... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti Sub Division,
Thoothukudi District.

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3.The Sub Registrar,
Ottapidaram Sub Registrar Office,
Ottapidaram,
Thoothukudi 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 relating to the impugned order passed by the third respondent in his proceedings RFL/Ottapidaram/13/2024 dated 22.02.2024 quash the

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same as illegal and consequently directing the third respondent to register the sale deed presented by the petitioner on 22.02.2024 in respect of punja land to an extent of 1.21.5 hectares (3 acres) situated in Resurvey No. 497/4, Ottapidaram Taluk, Panchalankurichi Village, Thoothukudi District comprised in Patta No. 1247.

For Petitioner : Mr.P.Banuprasath

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Heard both sides.

2. The petitioner wants to sell the petition mentioned property. When the sale deed was presented for registration, the third respondent issued the impugned refusal check slip. The petitioner had been called upon to obtain No Objection Certificate from the Revenue Divisional Officer, Kovilpatti as the land has been assigned to legal heirs of Veerapandiya Kattabomman. The issue raised in the writ petition is no longer res integra.

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3. The learned counsel appearing for the petitioner draws my attention to the order dated 29.05.2019 made in W.P(MD)No.12586 of 2019. In the said case also the issue now raised was involved. It reads as follows:

> *"2.This Court in a number of writ petitions had quashed such a communication issued by the revenue authority. One such order is dated 29.04.2019 made in W.P. (MD)No.10772 of 2019.*
>
> *3.This Court had consistently held that the revenue authority cannot restrain the registering authority from discharging their statutory functions. It is not as if the land in question has been included in the prohibitory index. Therefore, the order impugned in the writ petition is quashed. The third respondent is directed to register the petition mentioned document, of course, subject to fulfillment of other formalities."*

4. Adopting the very same approach, the order impugned in this writ petition is quashed. This writ petition is allowed. The petitioner is permitted to re-present the documents in question before the third

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respondent. The third respondent shall receive the same and register it and release it subject to fulfilment of the other usual formalities. There shall be no order as to costs.

29.02.2024

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

To

1.The Revenue Divisional Officer,
Kovilpatti Sub Division,
Thoothukudi District.

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3.The Sub Registrar,
Ottapidaram Sub Registrar Office,
Ottapidaram,
Thoothukudi District.

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G.R.SWAMINATHAN, J.

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