



W.P(MD).No.8375 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.8375 of 2022

K.Jothi

... Petitioner

Vs.,

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam, Raja Annamalaipuram,
Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
Integrated Complex of Registration,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai 625 107.
- 3.The District Registrar (Administration),
Madurai South District, Madurai District.
- 4.The Joint Sub Registrar,
Office of the Sub Registration (South),
Madurai City, Madurai District.
- 5.S.Nova
Santhosh College of Physiotherapy,
D.No.15, GST Road Thirumangalam, Main Road,
Thanakkankulam Village, Thirupparankundram Taluk,
Madurai District.



W.P(MD).No.8375 of 2022

6.V.Paulraj

7.The Divisional Engineer (Construction and Maintenance),
State Highways Department, Madurai Division,
No.5, Race Course Road, Chinnachokkikulam,
Madurai 625 002.

8.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai Revenue Division, Madurai.

(R7 and R8 are impleaded vide Court order dated 10.07.2023
in W.M.P(MD).No.12386 of 2023 in W.P(MD).No.8375 of 2022 by BPJ)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.9047/Aa.4/2021 dated 28.03.2022 whereby confirming the order passed by the third respondent in his proceedings in Na.Ka.No.5456/Aa.2/2021 dated 22.11.2021 and quash the same as illegal and unconditional and consequently forbearing the respondents from in any manner making any entry in the objection book maintained in fourth respondent office based on the objections raised by the fifth and sixth respondents.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.P.Subbaraj (for R1 to R4)
Special Government Pleader
Mr.N.Dilipkumar (for R5 & R6)
for Mr.P.Balamurugan



W.P(MD).No.8375 of 2022

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ORDER

Challenging the impugned order passed by the second respondent confirming the order passed by the third respondent in his proceedings in Na.Ka.No.5456/Aa.2/2021 dated 22.11.2021, this writ petition has been filed.

2. Heard both sides.

3. It is the case of the petitioner that the land comprised in Survey No. 192, situated at Thanakkankulam Village, Thirupparankundram Taluk, Madurai District, originally belongs to Sadhu Seva Shree Vivekananda Swamigal Trust. Some of the trustees of the said Trust has executed the sale deed in Doc No. 600/2010 in favour of one Palani on 18.01.2010. Thereafter, the legal heirs of the said Palani has sold the said property to the petitioner on 07.08.2020 vide Doc No. 4590/2020. On the complaint given by the fourth respondent, the District Registrar initiated enquiry and found that the subject property has already been the subject matter of acquisition in the year 1983 and enhanced compensation has also been paid. Therefore, the impugned order has been passed to the effect that the subsequent transaction was fraudulent one and no further alienation to be entered



W.P(MD).No.8375 of 2022

in the Note Encumbrance. Challenging the same, the petitioner has filed an appeal before the second respondent and the same was dismissed. Hence, this petition.

4. The learned Special Government Pleader, on instructions, would submit that the very Trust, which dealt with the property in the year 2010, has filed W.P(MD).No.1250 of 2015 for reconveyance. This Court, by an order dated 07.08.2023, dismissed the same. He would further submit that when the compensation for acquisition has already been paid and the land is vested with the Government, once again the Trustee selling the property shall not convey any title.

5. Heard both sides and perused the entire materials available on record.

6. In fact, the Trust has filed W.P.(MD)No.1250 of 2015 for reconveyance of the land acquired in the year 1983 and the said writ petition was dismissed. It is to be noted that, the Trust has earlier filed LAOP.No.282 of 1980 seeking enhancement of compensation and the enhanced compensation was also paid. Therefore, when the proceedings have already been completed and the land is vested with the Government, suppressing all these facts, the Trustee had sold the property to the vendor of the petitioner, from whom the petitioner has purchased



W.P(MD).No.8375 of 2022

the property. The title has already been vested with the Government. Hence, the entry restricting the further alienation on the basis of the alleged forged documents, which do not convey any title to the subsequent purchaser, does not require any interference. Accordingly, this writ petition is dismissed. No costs.

09.08.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

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W.P(MD).No.8375 of 2022

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.8375 of 2022

09.08.2024