



W.P(MD)No.12074 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12074 of 2024

Karuppaiah

... Petitioner

Vs.

1.The Commissioner / Director,
Tamil Nadu Boomidhana Board,
Commissioner of Land Reforms,
Chepauk,
Chennai.

2.The District Registrar,
O/o The District Registrar,
Department of Commercial Taxes and Registration,
Sivagangai District,
Sivagangai.

3.The Sub-Registrar,
O/o The Sub Registrar,
Department of Commercial Taxes and Registration,
Kalaiyarkovil,
Sivagangai 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 receipt issued by the 3rd respondent refusal check slip No.RFL/Kalaiyarkovil/28/2024 dated 08.04.2024 and quash the same and consequently directing the 3rd respondent to register the General



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Power deed document dated 04.04.2024 on the basis of the order passed in decree and judgment in O.S.No.174/2007 before the District Munsif Court, Sivagangai.

For Petitioner : Mr.V.Karuna

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Heard both sides.

2. One Mohan had earlier filed W.P.(MD)No.9688 of 2024. The writ petition was allowed by me on 23.04.2024 in the following terms:-

“Heard both sides.

2. The petition mentioned document was refused registration by invoking Section 22(A) of the Registration Act, 1908. The stand of the registering authority is that the land stands in the name of Boomidhana Board. My attention is drawn to the order dated 24.06.2022 made in W.P.(MD)No.11011 of 2022 (M.Sivakumar Vs. Commissioner, Chennai). It reads as follows:-

“Heard the learned counsel on either side.

2. The petitioner's mother filed a suit in O.S.No.34 of 2013 on the file of the learned District Judge, Sivagangai. Final decree was passed on 16.12.2020. Subsequently, the petitioner's mother passed away. Before her demise, she presented the said decree before the third respondent for registration. The third respondent declined to register the same on the ground that since the revenue record indicates the name of Tamil Nadu Boomidhana Board, No Objection Certificate must be obtained from the Board and that only thereafter, the decree can be presented for registration. This stand of the third respondent is put to



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challenge in this writ petition.

3. Since the petitioner's mother passed away, the petitioner is entitled to maintain the writ petition. His locus standi cannot be questioned.

4. It is seen that in respect of the property in question O.S.No. 174 of 2008 on the file of the District Munsif Court, Sivagangai was filed. The Tamil Nadu Boomidhana Board was shown as the first defendant in the said suit. The suit was decreed as prayed for. The first appeal is said to have been filed by the Tamil Nadu Boomidhana Board and the Revenue Authorities only in the year 2022. They had kept quiet for more than ten years. The land covered by the decree has already been declared as not belonging to Tamil Nadu Boomithana Board. Hence, the registering authority could not have insisted that No Objection Certificate from Boomithana Board should be obtained. The impugned check refusal slip is quashed. The writ petition is allowed. The third respondent is directed to register the petition mentioned decree subject to fulfilment of other formalities.”

3. The case of the petitioner is that the present case is also covered by the very same order. The third respondent should not go by the revenue entry alone. If the presentant has any decree in his favour, the registering authority will have to see if the claim is made out or not, if the civil Court's decree is in favour of the presentant, then the civil Court's decree will have to be honoured in preference to the revenue record.

4. In this view of the matter, the impugned refusal check slip is quashed. The matter is remitted to the file of the third respondent. The third respondent will check if the petitioner is having civil Court's decree in his favour. If that be so, the document in question shall be registered and released.

5. The Writ Petition is allowed on these terms. No costs.”



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3. The case on hand is similar. The Writ Petition is allowed on the same

lines. No costs.

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Index : Yes / No

Internet : Yes/ No

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Chennai.
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G.R.SWAMINATHAN, J.

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