



W.P.(MD)No.13256 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.13256 of 2024

1.D.Sundari

2.A.Pitchi

... Petitioners

/Vs./

1.The Land Commissioner,
Chepauk, Chennai – 5.

2.The Assistant Commissioner,
(Land Reforms/Urban Land Ceiling
and Urban Land Tax),
Madurai.

3.The Joint Sub Registrar No.2,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the third respondent to receive and register the documents to be presented by the petitioners in respect of present New S.Nos.153/1B and 153/1C subdivided from old S.No.146/3 situate at Kallangudi Village, Karaikudi Taluk without NOC from the 2nd respondent as mentioned in letter of the second respondent dated 01.10.2013.



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For Petitioners : Mr.G.Prabhu Rajadurai
for Mr.J.Anandkumar
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the third respondent to receive and register the documents to be presented by the petitioners in respect of present New S.Nos.153/1B and 153/1C subdivided from old S.No.146/3 situate at Kallangudi Village, Karaikudi Taluk without NOC from the 2nd respondent as mentioned in letter of the second respondent dated 01.10.2013.

2. The land comprised in S.No.151/1 to an extent of 101.33 acres of land in Kallangudi Village, Karaikudi Taluk was declared as surplus. Out of the said land, an extent of 0.81 hectare each was originally assigned to one Andiappan and Karuppiah vide proceedings dated 14.05.1980 by the second respondent. Due to objections, the same was cancelled by the proceedings dated 27.09.1996 by the second respondent.



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Thereafter, the said land was assigned in favour of the petitioners by assignment order dated 28.12.1996 to an extent of 0.75.5 hectare in S.No. 153/1B and 153/1C situated at Kallangudi Village, Karaikudi Taluk. Thereafter, the petitioners are in possession of the land.

3. However, the earlier assignment was under challenge before the first respondent by way of a revision. The first respondent dismissed the revision by order dated 17.03.2011 and cancelled the assignment of the petitioner on the ground that procedure was not properly followed while assigning the land to the petitioner. Against the order dated 17.03.2011, the earlier assignee filed W.P.No.12346 of 2011 before the Principal Bench and the same was dismissed on 27.01.2016 and the Division Bench has also confirmed the order. The petitioner preferred W.P.(MD)No.7232 of 2011 before this Court against the order dated 17.03.2011. This Court by order dated 05.01.2023 allowed the Writ Petition and set aside the order of the first respondent dated 17.03.2011. Thereafter, revenue records were mutated in favour of the petitioners in respect of subject property.



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4. While the petitioners approached the third respondent for the purpose of registration, it was informed that the second respondent by a letter dated 01.10.2013 declared the said land as surplus and requested not to register without No Objection Certificate from the second respondent. Therefore the third respondent refused to register any document in respect of subject property.

5. Admittedly, the order dated 17.03.2011 passed by the first respondent has been set aside by this Court vide order dated 05.01.2023 in WP(MD)No.7232 of 2011. Further while assigning the subject land, some conditions were imposed that the land assigned shall not be sold or otherwise alienated before the expiry of a period of twenty years from the date of assignment or before the payment of the value of the land and buildings and trees thereon in full, whichever is later and not even thereafter in respect of lands assigned to a member of Scheduled Castes or to a member of Scheduled Tribes except to other members of the Scheduled Castes or to the other member of the Scheduled Tribes, as the case may be. Both the conditions have been complied with since the assignment order was issued in the year 1996 and the entire sale



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consideration of the property was duly paid by the petitioner. Therefore, the petitioner can deal with the subject property and the objections raised by the second respondent cannot be sustained.

6. In view of the above, the third respondent is directed to register the document presented for registration in respect of the subject property by the petitioner in accordance with law.

7. With the above direction, this Writ Petition is allowed. No costs.

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Index : Yes / No

NCC : Yes / No

CM

TO:

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and Urban Land Tax),
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3.The Joint Sub Registrar No.2,
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G.K.ILANTHIRAIYAN, J.

CM

Order made in
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Dated:
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