



W.P(MD)No.17313 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.17313 of 2024

V.Pakyaraj

... Petitioner

Vs

1.The Inspector General Registration and Stamps,
No.100, Santhome High Road,
Chennai,
Tamil Nadu – 600 028.

2.The District Registrar,
No.58/1, Cutuchery Road,
Virudhunagar,
Virudhunagar District,
Tamil Nadu – 626 001.

3.The Sub-Registrar,
Sub Registrar Office – Sattur Taluk,
Virudhunagar District,
Tamil Nadu – 626 203.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to remove the entry of ban for registration in the encumbrance register/record in respect of agricultural land situate in Survey No.68/2, Periya Kollapatti Village, Sattur Taluk, Virudhunagar District admeasuring 3.12 acres in terms of the order dated 06.10.2021 passed by the Hon'ble Supreme Court in I.A.No.90401 of 2021 in Civil Appeal No.13301 of 2015 and the NOC dated 03.01.2024 issued by the Hon'ble Lodha Committee by considering



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the petitioner's representation dated 19.06.2024 within the period stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.D.Sadiq Raja

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the first respondent to remove the entry of ban for registration in the record in respect of the property comprised in Survey No.68/2, Periyakollapatti Village, Sattur Taluk, Virudhunagar District admeasuring 3.12 acres in the light of the order passed by the Hon'ble Supreme Court in I.A.No.90401 of 2021 in Civil Appeal No.13301 of 2015 and No Objection Certificate issued by the Hon'ble Lodha Committee dated 03.01.2024.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The land comprised in Survey No.68/2 admeasuring 3.12 acres situated at Periyakollapatti Village, Sattur Taluk,



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Virudhunagar District belonged to the petitioner's grandmother. By oral partition between the petitioner's father and his siblings, the said property was devolved on his father. Thereafter, he is in possession and enjoyment of the said property. While being so, without the knowledge of his father, a sale deed and gift deed were executed on 13.06.2002 and 24.07.2007 respectively in respect of the subject property. Subsequently, a sale deed was also registered in the name of Jaipal Singh of Uttar Pradesh representing one M/s.PACL, dated 12.02.2008. Therefore, the petitioner's father filed a suit in O.S.No.40 of 2010 on the file of the District Munsif Court, Sattur (Taluk), Virudhunagar District for declaration of his title and also to cancel bogus sale deeds. It was dismissed by judgment and decree dated 24.03.2014 and an appeal was allowed in A.S.No.38 of 2016 on the file of the Sub Court, Sivakasi, by judgment and decree dated 07.09.2019 in favour of the petitioner's father, thereby the title of the subject property was declared in favour of his father and the third respondent herein was directed to cancel the fraudulent sale deed entries. M/s.PACL had swindled huge money from the general public and as such, the Hon'ble Supreme Court of India imposed a ban on the registration of properties belonging to PACL in Civil Appeal No.13301 of 2015. Since the subject property was also fraudulently purchased by M/s.PACL, the subject property was also



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included in the ban order. Therefore, the order passed by the Hon'ble Supreme Court of India is reflected in the Encumbrance Certificates of the subject property. As such, the petitioner's father filed an application before the Hon'ble Supreme Court of India in I.A.No.90401 of 2021 to release his property from the ban. In the meanwhile, the Hon'ble Supreme Court of India constituted a committee for the purpose of disposal of the lands purchased by M/s.PACL. As per the committee recommendation, the retired District Judge was appointed to hear the objections/representations in respect of the properties which were imposed ban. The petitioner's father raised objections to lift the ban in respect of his property before the District Judge. By order dated 07.07.2021 bearing File No.836, M.R.No.13265-16, the District Judge recommended to release the subject property from the ban. Accordingly, the Hon'ble Supreme Court of India lifted the ban for the registration of the subject property in I.A.No.90401 of 2021 in Civil Appeal No.13301 of 2015, by order dated 06.10.2021. As per the order passed by the Hon'ble Supreme Court of India, the petitioner's father had executed a settlement deed in favour of the petitioner on 06.07.2022 and got registered vide Document No. 7031 of 2022. However, there is an entry in the records of the subject property as a ban of registration. Therefore, the petitioner



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submitted a representation to remove the entry of ban for registration in respect of the subject property.

4.In view of the above, the first respondent is directed to remove the entry of ban for registration in the book of records in respect of the property comprised in Survey No.68/2 admeasuring 3.12 acres situated at Periyakollapatti Village, Sattur Taluk, in the light of the order passed by the Hon'ble Supreme Court in I.A.No. 90401 of 2021 in Civil Appeal No.13301 of 2015 and No Objection Certificate issued by the Hon'ble Lodha Committee dated 03.01.2024 forthwith.

5.With the above direction, this Writ Petition is allowed.

There shall be no order as to costs.

20.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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G.K.ILANTHIRAIYAN, J.

ps

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