



W.P(MD).No.18660 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.18660 of 2024
and
W.M.P(MD).No.15800 of 2024**

R.Backiyalakshmi

... Petitioner

Vs.,

1.State of Tamil Nadu,
Rep., by its Principal Secretary and
Commissioner of Land Administration,
Department of Land Reforms,
Chepauk, Chennai.

2.The District Revenue Officer,
Collectorate,
Theni District, Theni.

3.The District Registrar,
Periyakulam,
Theni District.

4.The Sub Registrar,
Theni District, Theni.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order made by the second respondent in his proceedings in Na.Ka.No.



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12605/2009/Aa1 dated 20.10.2014 and quash the same as illegal and consequently direct the fourth respondent for register any document in respect of the petitioner land in Survey No.747/9 having extent of 2173.1/4 sq.feet (Doc No.2832/1983) Theni SRO situated at Aranmanaipudur West, Koduvilarpatti Village, Theni District.

For Petitioners : Mr.M.Beema Rao
For Respondents : Mr.M.Siddarth
Additional Government Pleader

ORDER

The writ petition has been filed challenging the order passed by the second respondent in his proceedings in Na.Ka.No.12605/2009/Aa1, dated 20.10.2014 and quash the same as illegal and consequently, to direct the fourth respondent to register any document in respect of the petitioner land in Survey No.747/9 having extent of 2173.1/4 sq.feet (Doc No.2832/1983) Theni SRO situated at Aranmanaipudur West, Koduvilarpatti Village, Theni District.

2. Heard Mr.M.Beema Rao, learned counsel appearing on behalf of the petitioner and Mr.M.Siddarth, learned Additional Government Pleader, who takes notice on behalf of the respondents.



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3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. It is the grievance of the petitioner that when he presented the document in respect of Survey No.747/9 for registration, the same was not registered, citing the proceeding of the second respondent in Na.Ka.No. 12605/2009/Aa1 dated 20.10.2014, wherein it is stated that they proposed to cancel the assignment in respect of Survey Nos.746, 747, 748 and 749.

5. The learned counsel for the petitioner would submit that the very same proceedings of the second respondent / District Revenue Officer, dated 20.10.2014 has been set aside by this Court in W.P.(MD).No.20334 of 2015, dated 30.09.2022 and in another W.P(MD).No.29548 of 2023, dated 13.12.2023.

6. I also perused both the judgments of this Court. In both the writ petitions it is clearly held that unless and until the order of assignment is cancelled, the concerned petitioner is entitled to deal with the property as per the conditions in the order of assignment. In case, any alienation takes place, the



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same is always subject to the cancellation of the order of assignment to be passed by the Revenue Authorities.

7. In view of the above, the approach of the Sub-Registrar / 4th respondent, once again driving the parties to obtain separate order, is abuse of process of law and hence, the Sub-Registrar / 4th respondent is directed to register such document without refusing the same by citing the proceeding of the District Revenue Officer in respect of any transaction. The said exercise is directed to be completed within a period of seven days from the date of receipt of a copy of this order.

8. In result, the order impugned in Na.Ka.No.12605/2009/Aa1, dated 20.10.2014 is hereby quashed and the Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

05.08.2024

NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR, J.

Rmk

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