



W.P(MD)No.20434 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20434 of 2024

M.A.Mohamed Iliyas

... Petitioner

Vs.

1.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

2.The Joint Sub-Registrar-II,
Office of the Joint Sub-Registrar-II,
Dindigul.

... 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 of the impugned refusal check slip made in Refusal Number:RFL/2 No.Joint Sub Registrar Dindigul/44/2024, dated 09.08.2024 issued by the 2nd respondent and to quash the same as illegal and consequently, to direct the 2nd respondent herein to register the sale deed dated 08.08.2024 presented by the petitioner relating to the property comprised in S.Nos.786/1B2A and 786/2B2A of Sinthalakundu Village, Dindigul District.

For Petitioner : Mr.D.Srinivasaragavan

For R1 : Mr.J.Lawrance,
Standing Counsel

For R2 : Mr.P.Subbaraj,
Special Government Pleader



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Mr.J.Lawrance, learned Standing Counsel takes notice for the 1st respondent and Mr.P.Subbaraj, learned Special Government Pleader takes notice for the 2nd respondent.

3.Challenge has been made to the refusal check slip issued by the 2nd respondent on the ground that the 1st respondent has sent a letter, stating that the lands in Survey No.786/1B2A and 786/2B2A of Sinthalakundu Village, Dindigul District are proposed to be acquired for the purpose of a drainage system and therefore, requesting not to register any document with regard to the property in question.

4.At the outset this Court is of the view that unless a notification has been issued for acquisition of land and any proceedings are initiated, by citing the proposal, which has not been fructified into any acquisition, merely based on the letter of the 1st respondent, stalling the registration is unconstitutional and the 1st respondent has no right to take away the constitutional right of the



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citizen. Therefore, on this ground, the impugned refusal check slip issued by the 2nd respondent is quashed and this Writ Petition is allowed with a direction to the 2nd respondent to register the sale deed presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

28.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

The Joint Sub-Registrar-II,
Office of the Joint Sub-Registrar-II,
Dindigul.



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N.SATHISH KUMAR, J

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