



W.P.(MD) No.22595 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.22595 2024

Sudharsan Babu

...Petitioner

-VS-

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai-600 028.

2.The District Registrar,
Nagercoil,
Kanniyakumari District.

3.The Sub Registrar,
Sub Registrar Office,
Boothapandy,
Kanniyakumari District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, to direct the third respondent to register the petitioner's sale deed in respect of S.No.7/9 to an extent of 0.28.00 ares of Siramadam Village, Thovalai Taluk, Kanniyakumari District on the basis of the petitioner's representation dated 28.06.2024.



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For Petitioner : Mr.M.Sankar
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed to direct the third respondent to register the petitioner's sale deed in respect of S.No.7/9 to an extent of 0.28.00 ares of Siramadam Village, Thovalai Taluk, Kanniyakumari District on the basis of the petitioner's representation dated 28.06.2024.

2.Mr.M.Siddharthan, learned Additional Government Pleader, takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

3.The grievance of the petitioner is that the petitioner is an ex-service man and he was given with service inam land and an assignment patta was also assigned to the petitioner by the Government in the year 1994. Now the petitioner intended to sell the subject property. Hence, the petitioner presented the sale deed before the third respondent. However, the third respondent had refused to register the document citing the conditions for issuing the assignment patta.



4.The learned counsel for the petitioner brought to the notice of this Court that restriction in the assignment is only for a period of ten years. The said period is also over, as the patta was issued in the year 1994. Therefore, there cannot be any restriction for selling the subject property.

5.Admittedly, the subject property was assigned to the petitioner in the year 1994 by the Government. The restriction for selling the subject property is only for a period of 10 years from the date of assignment as stated by the petitioner. However, the conditions for assigning the subject property to the petitioner are not produced before the third respondent. Hence, the registration of the subject property was refused citing the statutory bar in dealing with the service inam lands.

6.Such being the position, the petitioner is directed to produce the necessary conditions attached with the assignment before the third respondent and present document for registration. On such presentation, the third respondent shall register the document subject to the fulfilment of other usual formalities.



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7. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

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To

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N.SATHISH KUMAR, J.

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