



W.P.(MD)No.15813 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15813 of 2018

AV.Nagarajan

... Petitioner

Vs

The Sub Registrar,
Thirupathur, Sivagangai District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the respondent, dated 10/07/2018 and quash the same as illegal and consequently direct the respondent to the registrar and release the pending document in Document No.P-12 on the file of the respondent.

For Petitioner	: Mr.J.Anandkumar
For Respondent	: Mr.C.Satheesh Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned order of the respondent, dated 10/07/2018 and consequently to direct the respondent to



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registrar and release the pending document in Document No.P-12 on the file of the respondent.

2.Heard Mr.J.Anandkumar, the learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate appearing for the respondent. Perused the materials available on record.

3.It is the stand of the respondent that in the counter that the respondent sent a communication to the Tahsildar to verify that the land is belongs to Government. From the reply received from the Tahsildar it is stated that the land in S.No.404/6 originally assigned to individual. Therefore, it cannot be registered. Hence, registration is not done by the respondent.

4.The learned counsel for the petitioner also brought to the notice of the Court with regard to the conditions appended to the Assignment order. It is seen from the order that the assignment was made in the year 1994. It is Pasali 1401. The only restriction for sale is for a period of 10 years as per the assignment condition. Therefore, after expiry of restriction period, there is no bar for sale of property.



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5. Merely, the property is assigned, there cannot be any permanent bar.

Hence, refusal slip is liable to be quashed.

6. Accordingly, this writ petition is allowed and the impugned order of the respondent, dated 10.07.2018 is hereby quashed. It is for the petitioner to register a new document in the same survey field. If such document is presented for registration, the same shall be registered as per law. Now the respondent cannot refuse to register the same on the ground that the property is an assigned land. No costs.

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NCC : Yes/No
Index : Yes/No
PNM

To
The Sub Registrar,
Thirupathur, Sivagangai District.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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