



W.P.(MD) Nos.21720 to 21722 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) Nos.21720 to 21722 of 2024

and

W.M.P.(MD)Nos.18339, 18354 and 18341 of 2024

M.A.Mohammed Ali	...Petitioner in W.P.(MD)No.21720 /2024
M.A.Mohamed Gani	...Petitioner in W.P.(MD)No.21721 /2024
M.A.Mohammed Sirajudeen	...Petitioner in W.P.(MD)No.21722 /2024

-vs-

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

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

..Respondents in all petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the impugned proceedings of the 1st respondent in Na.Ka.No.1171/2004/F1 dated 21.06.2022 and to quash



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the same as illegal and consequently directing the 2nd respondent herein to register the documents in respect of the petitioners' property comprised in S.Nos.786/1B2C, 786/2B2C, 786/1B2D, 786/2B2D, 786/3A, 786/3B to an extent of 14 cents, 42 cents and 14 cents respectively situated at Sinthalakundu Village, Dindigul District.

In all petitions:

For Petitioner	: Mr.D.Srinivasaragavan
For R2	: Mr.C.Satheesh Government Advocate
For R1	: Mr.J.Lawrance Standing Counsel

COMMON ORDER

Mr.C.Satheesh, learned Government Advocate, takes notice for the second respondent and Mr.J.Lawrance, learned Standing Counsel takes notice for the first respondent in all petitions.

2.By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.



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3.In these writ petitions, challenge has been made to the letter issued by the first respondent dated 21.06.2022 to the Sub Registrar not to register any documents with regard to various survey numbers, which includes the properties in question, on the ground that those lands are required to be maintained as green area. The challenge has been made on the ground that the lands in question were not acquired by the Government by following due process of law.

4.At the outset, this Court is of the view that without there being any classification of the property, the right of the individuals cannot be taken away. The right to hold the property is constitutional and that cannot be taken away except by due process of law. Therefore, when there is no notification issued and the lands were not acquired, merely on the basis of a letter or communication, the right of the parties to deal with their properties cannot be taken away.

5. Accordingly, the letter impugned in these writ petitions cannot be sustained in the eye of law and the same stands quashed. The Sub



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Registrar concerned shall not refuse to register any documents citing the communication dated 21.06.2022.

6.These writ petitions are allowed on the above terms. No costs.

Consequently, connected miscellaneous petitions are closed.

12.09.2024

Index : Yes / No
Internet : Yes / No
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To

1.The Commissioner,
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Dindigul.

2.The Joint Sub-Registrar-II,
Office of the Joint Sub-Registrar-II,
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N.SATHISH KUMAR, J.

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