



W.P(MD).No.25810 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.26729 of 2022
and W.M.P(MD).No.19948 of 2022

C.Thirupathi

... Petitioner

Vs.,

1.The District Collector,
Dindigul District, Dindigul.

2.The Assistant Director of Town and
Country Planning,
Office of the Local Planning Authority,
Vivekananda Nagar,
Dindigul 624 001,
Dindigul District.

3.The Director Registrar,
(Administration)
Combined Register Office,
Office of the District Registrar,
Dindigul, Dindigul District.

4.The Sub Registrar,
Ayyampalayam,
Dindigul, Dindigul District.

5.The Executive Officer,
Sevugampatti Town Panchayat,
Sevugampatti Village,
Nilakkottai Taluk, Dindigul District.



W.P(MD).No.25810 of 2022

6.The Tahsildar,
Nilakottai Taluk,
Nilakkottai,
Dindigul District.

7.P.Rajeshwari

8.P.Selva Prasath

9.Nagarathinam

10.S.Rathinavelpandian

11.K.Ganesan

12.R.Edamalaiyan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the third respondent herein to conduct appropriate enquiry by taking into consideration of the circular banned in conveying the agricultural land as house planning authority as issued by the Inspector General of Registration, Chennai dated 27.09.2022 in Letter No.33760/U1/2022, conveyed the agricultural land as house site bearing Survey No.1127/1D in so far as an extent of 9040½ square feet situate in Sevugampatti Village, Nilakkottai Taluk, Dindigul District without planning permission from the respondents 2 and 5 and to take necessary action to annul the registered sale deed dated 12.04.2006 and 24.03.2022 registered under Document Nos.410/2006 and 756/2022 registered before the fourth respondent executed by the 10th respondent, general power of attorney of respondents 7 to 9 in favour of the respondents 11 & 12 respectively.

For Petitioner : Mr.A.Saravanan



W.P(MD).No.25810 of 2022

For Respondents : Mr.M.Siddharthan(for R1 to R6)
Additional Government Pleader
Mr.S.Balamurugan (for R7)
No appearance (for R8 to R12)

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus to direct the third respondent herein to conduct appropriate enquiry by taking into consideration of the circular banned in conveying the agricultural land as house planning authority as issued by the Inspector General of Registration, Chennai dated 27.09.2022 in Letter No.33760/U1/2022, conveyed the agricultural land as house site bearing Survey No.1127/1D in so far as an extent of 9040½ square feet situated in Sevugampatti Village, Nilakkottai Taluk, Dindigul District without planning permission from the respondents 2 and 5 and to take necessary action to annul the registered sale deed dated 12.04.2006 and 24.03.2022 registered under Document Nos.410/2006 and 756/2022 registered before the fourth respondent executed by the 10th respondent, general power of attorney of respondents 7 to 9 in favour of the respondents 11 & 12 respectively.

2. It is the case of the writ petitioner that one Pitchai, husband of the seventh respondent and father of the respondents 8 and 9, executed a receipt and



W.P(MD).No.25810 of 2022

also two registered general power of attorney in favour of the petitioner in respect of the subject property bearing survey No.1127/1D to an extent of 9040 ½ sq.ft out of total extent of 1 acre 41 cents situated at Sevugampatti Village, Nilakottai Taluk, Dindigul District. In this regard, the petitioner has also paid the entire sale consideration to them. Before executing the sale deed, the said Pitchai died. Thereafter, the legal heir of said Pitchai refused to execute the sale deed in favour of the petitioner. Hence, the petitioner filed a suit in O.S.No.346 of 2013 before the Additional Subordinate Court, Dindigul, seeking for specific performance and permanent injunction. In the meantime, the respondents 7 to 9 have executed a power of attorney in favour of the 10th respondent. The 10th respondent sold the property to the respondents 11 and 12, on 12.04.2006 and 24.04.2022 by way of two documents in Doc Nos.410/2006 and 756/2022. According to the writ petitioner, he is the power agent of the respondents 7 to 9 in respect of the subject property, which is the agricultural land, but the same has been sold as a house site. Therefore, the petitioner seeks action in this regard.

3. Heard both sides and perused the materials available on record.



W.P(MD).No.25810 of 2022

4. At the outset, this Court is of the view that the writ petitioner is trying to achieve indirectly what they could not do directly before the civil Court. Such civil right cannot be established by way of writ petition by adding some prayer against the authority. Further, there is no bar under the law to register the document, particularly in the year 2006. Now only the restriction has been placed for converting the agricultural land as house site, by way of amendment under Section 22A of the Registration Act. Therefore, the document registered in the year 2006, cannot be brought under Section 22A of the Act.

5. In such view of the matter, I do not find any merits in this petition. Since the petitioner already filed a civil suit, he has to work out his right in the pending civil suit. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.09.2024

NCC : Yes/No
Index : Yes/No
Rmk



W.P(MD).No.25810 of 2022

To

1. The District Collector,
Dindigul District, Dindigul.
2. The Assistant Director of Town and
Country Planning,
Office of the Local Planning Authority,
Vivekananda Nagar,
Dindigul 624 001,
Dindigul District.
3. The Director Registrar,
(Administration)
Combined Register Office,
Office of the District Registrar,
Dindigul, Dindigul District.
4. The Sub Registrar,
Ayyampalayam,
Dindigul, Dindigul District.
5. The Executive Officer,
Sevugampatti Town Panchayat,
Sevugampatti Village,
Nilakkottai Taluk, Dindigul District.
6. The Tahsildar,
Nilakottai Taluk,
Nilakkottai,
Dindigul District.



WEB COPY



W.P(MD).No.25810 of 2022

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.25810 of 2022

02.09.2024