



W.P (MD).No.25220 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.25220 of 2024

M.Karthik

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti Sub-Division,
Thoothukudi District.

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3.The District Registrar,
Thoothukudi.

4.The Sub-Registrar,
Ottapidaram,
Thoothukudi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the fourth respondent dated 19.09.2024 in Refusal Number: RFL/ ஒட்டப்பிடாரம்/69/0224 and quash the same and consequently direct the fourth respondent to register the document of sale deed dated 13.09.2024 in respect of the land in survey No.500/4 situate at Panchalamkurichi Village, Ottapidaram Taluk, Thoothukudi District.



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For Petitioner : Mr.S.Ramasamy
For R1 to R4 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the fourth respondent, dated 19.09.2024 thereby, refused to register the sale deed, dated 13.09.2024, which was presented for registration.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner's family members owned the property comprised in Survey No.500/4 situated at Panchalankuruchi Village, Ottapidaram Taluk, Thoothukudi District to an extent of 3 acres and they were issued with Patta No.2315. While being so, on 13.09.2024 the petitioner and his family members had executed a sale deed in favour of one P.Ravindrakumar for a valid sale consideration in respect of the subject property and presented the same for registration. However, it was refused to register on the ground that the subject property was originally allotted in favour of the legal heirs of Veerapandiya Kattabomman. As per the communication of the Tahsildar, Ottapidaram, dated



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27.08.2013 no registration can be made for the properties which were originally

assigned in favour of the family members of the Veerapandiya Kattabomman.

In view of the above, the fourth respondent refused to register the sale deed executed in favour of one P.Ravindrakumar.

4. The learned counsel for the petitioner would submit that the property situated adjacent to this property also mentioned in the objections raised by the Tahsildar, Ottapidaram for not registering any document and that was also challenged before this Court in W.P.(MD)No.21539 of 2016 and this Court by an order, dated 24.11.2016 set aside the refusal check slip and directed to register the sale deed.

5. Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the Tahsildar, Ottapidaram by its communication, dated 27.08.2013 informed to the fourth respondent that the land comprised in various survey numbers were originally assigned in favour of the family members of the Veerapandiya Kattabomman and no registration can be made in respect of those lands without obtaining no objection certificate from the Revenue Divisional Officer since the said lands are belonged to the Forest Department. The subject lands along with other



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properties are belonging to Forest Department by virtue of the communication, dated 29.01.1978 in the proceedings in G4.57594/78. In the said proceedings, the District Collector, Tirunelveli informed to the Revenue Divisional Officer that no part of the land assigned be sold and that in case of sale, the sale would be invalid and that the site will be reverted back to the Forest Department. Accordingly, requested the Revenue Divisional Officer to take necessary action to incorporate the said conditions in the Taluk and the Village accounts. By virtue of Government Order in G.O.Ms.558, Forests and Fisheries, dated 18.07.2013 to an extent of 615 acres of Forests Lands situated in Panchalankurichi and T.Duraisamiyapuram was assigned to the decendents of Veerapandiya Kattabomman for the use of house-sites and agricultural purpose. As per the order from the District Collector, the second respondent herein raised an objection and informed to the registering authority not to register any document in respect of the properties, which was originally assigned in favour of the decendents of Veerapandiya Kattabomman. However, it was not brought to the notice of this Court in W.P.(MD)No.21539 of 2016. That apart, in that writ petition, in view of the safeguard, they claimed title over the property comprised in Survey No.504/1B and 505/3A situated at Panchalamkurichi Village, Ottapidaram Taluk, Tuticorin District.



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6. That apart, on perusal of the sale deed executed by the petitioner and his family members revealed that the petitioner's family members derive title over the subject property only by way of patta No.2315, but they did not even whisper about the purchase or their long possession over the subject property. Further, the patta cannot be a title document. Therefore, the fourth respondent rightly directed the petitioner to obtain No Objection Certificate from the first respondent for registering the sale deed which was presented for registration by the petitioner and his family members.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the fourth respondent and this writ petition is devoid of merits and it is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
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To

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