



W.P(MD).No.26278 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.26278 of 2024

S.Vijayalakshmi

... Petitioner

Vs.,

1.The Sub Registrar,
Office of the Sub Registrar,
Tiruchuli,
Virudhunagar District.

2.The District Revenue Officer,
Cutchery Road,
Virudhunagar, Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned refusal check slip under RFL/Tiruchuli/66/2024 dated 25.10.2024 issued by the first respondent and quash the same and to direct the first respondent to register the sale deed dated 25.10.2024 with respect to Survey No.14/2A, (23 cents) and Survey No.14/2C1, (2 Acres 12 Cents) T.Chettikulam Village, Kariapatti Taluk, Virudhunagar District, within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan
for M/s.Aran Legal Consultancy



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For Respondents : Mr.C.Satheesh (for R1)
Government Advocate
Mr.D.Gandhiraj (for R2)
Special Government Pleader

ORDER

Challenge has been made to the refusal check slip issued by the first respondent dated 25.10.2024.

2.It is the grievance of the petitioner that when she presented the sale deed dated 25.10.2024 in respect of the property in S.No.14/2A(23 cents) and S.No. 14/2C1(2 Acres 12 cents) situated in T.Chettikulam Village, Kariapatti Taluk, Virudhunagar District, which has been purchased from one Sathishkumar, it was refused by the 1st respondent, vide refusal check slip dated 25.10.2024, citing the communication sent by the 2nd respondent dated 27.04.2021, wherein it is stated that since there is a proposal to acquire the land for connecting rivers, the registering authority is requested not to register the document. Challenging the same, the petitioner has filed this Writ Petition.



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3. At the outset, this Court is of the view that unless a notification has been issued for acquisition of land and any proceedings are initiated, by citing the proposal, which has not been fructified into any acquisition, merely based on the letter of the 2nd respondent, stalling the registration is unconstitutional and mere proposal is not sufficient to take away the constitutional right of the citizen. Therefore, on this ground, the impugned refusal check slip issued by the 1st respondent is quashed. This Writ Petition is **allowed** with a direction to the 1st respondent to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

30.10.2024

NCC : Yes/No

Index : Yes/No

Rmk

To

1.The Sub Registrar,
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2.The District Revenue Officer,
Cutchery Road,
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N.SATHISH KUMAR, J.

Rmk

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