



W.P (MD).No.27619 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

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

W.P (MD).No.27619 of 2024

P.Muthukrishnan

... Petitioner

Vs.

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

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3.The Sub-Registrar,
Ottapidaram Sub Registrar Office,
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 third respondent in his proceedings RFL/Ottapidaram No.59/2024 dated 12.08.2024 and quash the same as illegal and consequently directing the third respondent to register the sale deed presented by the petitioner on 12.08.2024 in respect of house site bearing Plot No.93 to an extent of 2615.26 sq.ft situated in Resurvey No.13/1, Panchalankurichi Village, Ottapidaram Taluk, comprised in Patta No.497.



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For Petitioner : Mr.P.Banuprasath
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the third respondent, dated 12.08.2024 thereby, refused to register the sale deed, dated 12.08.2024, which was presented for registration.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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

4. The property comprised in Resurvey No.13/1 situated at Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District owned by one Somasundarakattapommudurai. After his demise, his legal heirs one Chellammal executed a sale deed to one Murugan on 22.09.1995. Thereafter, the said Murugan executed a sale deed dated 28.02.2005 in favour of the Madasami comprised in Plot No.93 to eastern side to an extent of 1309.84 sq.ft



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in Resurvey No.13/1 situated at Panchalankuruchi Village, Ottapidaram Taluk, Thoothukudi District. Thereafter, the said Murugan executed a sale deed dated 28.02.2005 in favour of Mariya Jeyanthi comprised in Plot No.93 to an extent of 1305.42 sq.ft situated in Resurvey No.13/1 Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District. The petitioner had intended to purchase the above said property from Madasamy and Mariya Jeyanthi on 12.08.2024 and the same was presented before the third respondent for registration. However, it was refused to register the same on the ground that without obtaining No Objection Certificate from the first respondent based on the proceedings of the second respondent in Na.Ka.No.196/2013 dated 27.08.2013 the sale deed cannot be registered.

5. 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.



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6. Mr.M.Sarangan, 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 third 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 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



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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. Therefore, the third 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.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the third 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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G.K.ILANTHIRAIYAN, J.

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