



W.P.(MD).No.28304 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.28304 of 2023

and

W.M.P.(MD).No.24385 of 2023

K.Syed Sulthan,
Represented through his Power Agent,
R.Thangapandian.

... Petitioner

Vs.

1.The District Registrar (Admin),
Namakkal.

2.The Sub Registrar,
Kovilpatti Sub Registrar Office,
Thoothukudi District.

3.The Block Development Officer (V.P),
Kovilpatti Panchayat Union,
Thoothukudi District.

4.The President,
Mooppanpatti Village Panchayat,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned special audit report of 1st respondent dated 27.09.2023 and the refusal check slip issued by 2nd respondent vide



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RFL/Kovilpatti/86/2023 dated 01.11.2023 and quash the same both as illegal and unconstitutional, consequently direct the 2nd respondent to register the sale deed presented by the petitioner in respect of Plot No.622 in S.No.55/1A1A, VMS Nagar, Moopanpatti Village, Kovilpatti Taluk, Thoothukudi District and release the same forthwith.

For Petitioner : Mr.M.Maharaja
For R-1 and R-2 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

Heard both sides.

2. The petitioner has executed a sale deed dated 31.10.2023 in favour of one Varadaraja Perumal and Shanmathi. It was presented for registration before the second respondent on 01.11.2023. The registration was refused on the ground that the plot covered by the sale deed is an unapproved one. Challenging the same, this Writ Petition came to be filed.

3. The learned counsel for the petitioner drew my attention to the grounds raised by the petitioner in the affidavit filed in support of this petition. In ground (d), it is stated that Plot No.622 is very much covered under the DTCP Approval No.148/2007 and that final approval was also granted by the local body as well as the jurisdictional Block Development Officer.



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4. The above averments have not been rebutted by the respondents by filing counter affidavit. In these circumstances, the impugned orders are quashed. The petitioner is permitted to re-present the document in question. It appears that the first respondent wants to rely on an internal audit report. I therefore remit the matter back to the file of the first respondent. The petitioner shall appear before the first respondent on 12.04.2024 at 3.00 PM. The petitioner shall place all the materials in his favour before the first respondent. The first respondent shall go into the issue and pass appropriate orders. The first respondent may direct the second respondent to entertain the document and the register the same. If the first respondent wants to overrule the petitioner's contention, a speaking order shall be passed by the first respondent.

5. The Writ Petition is allowed on the above terms. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

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Namakkal.

2.The Sub Registrar,
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Thoothukudi District.

3.The Block Development Officer (V.P),
Kovilpatti Panchayat Union,
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G.R.SWAMINATHAN, J.

Lm

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