

W.P.(MD)No.6827 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.03.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.6827 of 2025

M/s.Jas Builders and Realtors,
represented by its Managing Director,
N.Jegatheesan,
Madurai – 625 018.

... Petitioner

vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinampakkam, Chennai – 600 028.

2.The Sub Registrar,
Velipattinam, Ramanathapuram District.

3.The Tahsildar (Land Acquisition),
Indian Naval Station (Parundu),
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to register and release the document of the petitioner now kept pending as pending No.P12/2025, dated 17.02.2025 on the file of the second respondent within a time stipulated by this Court.



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For Petitioner :Mr.Adithya Varadarajan
For Respondents :Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus to direct the second respondent to register and release the document of the petitioner in Pending No.P12/2025, dated 17.02.2025 on the file of the second respondent.

2.The petitioner is a partnership firm. It purchased 28 cents of property in S.No.10/2 at Keelanagachi Village, Ramanathapuram District from Mari and Nilopherrani. The document was presented for registration on 17.02.2025. Further progress of registration was not carried out by the second respondent. The reason being the third respondent is proposing to acquire the lands for INS Parundu. Hence, the second respondent sought a no objection certificate from the third respondent before the document is registered. Aggrieved by the same, the present Writ Petition.



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3. When the matter came up for admission, I heard Mr. Adithya Varadarajan for the petitioner and Mr. R. Suresh Kumar, learned Additional Government Pleader for the respondents.

4. By an order, dated 14.03.2025, I directed Mr. R. Suresh Kumar to get instructions from the respondents as to whether any notification has been issued by the State or Central Government for acquiring the lands. I adjourned the matter for hearing to today.

5. When the matter came up for hearing today, Mr. R. Suresh Kumar pleads that a notification has been issued for the purpose of acquiring lands for INS Parundu and therefore, Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, operates. He points out that by virtue of Section 11(4) of Act 30 of 2013 r/w Section 22B(2) of the Registration Act, no alienation can be registered.

6. I have carefully considered the submissions of both sides.



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7.The written instruction, on the basis of which Mr.R.Suresh

Kumar relies upon, shows that the Government itself has suspended the acquisition proceedings pursuant to G.O.(Ms).No.503, dated 14.08.2023.

On account of the suspension of the acquisition proceedings, the bar under Section 11(4) of Act 30 of 2013 would not operate. The instruction further states that the Government is proposing to invoke Section 40 of Act of 30 of 2013 and go for emergency acquisition of the lands in question.

8.Mr.R.Suresh Kumar is right that when a notification for acquisition is issued under Act 30 of 2013, Section 11(4) of Act 30 of 2013 automatically comes into force. If Section 11(4) Act 30 of 2013 applies, then no property can be a subject matter for alienation, when it is covered under the acquisition notification. In such an event, under Section 22B(2), a Sub Registrar cannot register a document. Yet in this case, the said provision will not be applicable, because the Government itself has suspended further acquisition of the properties by issuing the aforesaid notification.



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9. When suspension is in operation, it implies that there has been no notification for acquisition in force. Hence, an owner of a property is free to alienate the same. If that be the position, as the petitioner has paid valuable consideration and purchased the property on 17.02.2025, he is entitled to receive the document. Needless to mention, in case acquisition proceedings are re-initiated, this order cannot and will not stand in the way of the Government to acquire the land.

10. In the light of the above discussion, there shall be a direction to the second respondent to release the document in pending No.P12 /2025 forthwith. The Writ Petition is ordered accordingly. No costs. Compliance of the order shall be reported before this Court, by 28.03.2025.

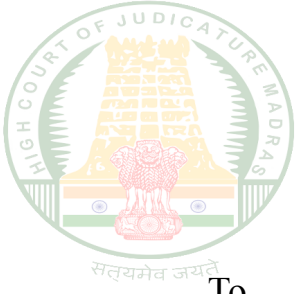
11. Post the matter on 28.03.2025 “for compliance”.

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

21.03.2025

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Pattinampakkam, Chennai – 600 028.

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V. LAKSHMINARAYANAN, J.

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