



W.P.(MD)No.12299 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.12299 of 2024

and

W.M.P(MD)Nos.10912 & 10913 of 2024

R.Sahayadevarajan

.... Petitioner

/Vs./

1.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The District Collector,
Theni District, Theni.

3.The District Revenue Officer,
District Collectorate,
Theni District.

4.The Revenue Divisional Officer,
Thamaraikulam,
Periyakulam, Theni District.

5.The District Registrar,
Periyakulam, Theni District.

6.The Sub-Registrar,
Sub-Registrar Office,
Theni.

... Respondents



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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 order passed by the third respondent in Na.Ka.No.12605/2009/Aa1 dated 20.10.2014 and quash the same in so far as the petitioner's land in S.No.748/3 to an extent of 9156 sq.ft situated at Koduvilarpatti Village, Theni District is concerned and consequently forbearing the fourth respondent from cancelling the assignment and resuming the petitioner's land.

For Petitioner : Mr.P.Saravanakumar

For Respondents : Mrs.K.Malathi

Additional Government Pleader

ORDER

The petitioner seeks issuance of a Writ of Mandamus challenging the impugned order passed by the third respondent, dated 20.10.2014 in Na.Ka.No.12605/2009/Aa1 insofar as the petitioner's land in S.No.748/3 to an extent of 9156 sq.ft., situated at Koduvilarpatti Village, Theni District is concerned and to consequently forebear the fourth respondent from cancelling the assignment and resuming the petitioner's land.

2. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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3. The learned counsel for petitioner would place a reliance on the orders passed by this Court, dated 13.12.2023 in W.P.(MD)No. 29548 of 2023, wherein, in identical circumstances, this Court, referring to an earlier order dated 30.09.2022 in W.P.(MD)No.20334 of 2015, held that the third respondent had no authority to call upon the registering authority to not register the documents on its file.

4. I find that in the said writ petition there is a reference to the impugned proceedings dated 20.10.2014, which have been set aside and consequently this Court held that the registering authority will have to treat the said communication as non existent. In the present writ petition also, the very same proceedings are sought to be referred to in the impugned order. Therefore, I have no hesitation in following the order already passed by this Court. There is no necessity for setting aside the impugned order of the third respondent since it is already been set aside by this Court in W.P.(MD)No.20334 of 2015 by an order dated 30.09.2022. It is also made clear that the direction to the respondents 5 & 6 are also consequently not binding on the registering authorities.



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5. In view of the above, the writ petition is allowed and the communication impugned in the present writ petition issued by the third respondent to the respondents 5 & 6 is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

6. It is made clear that in view of the orders repeatedly passed by this Court stating that the communication in Na.Ka.No. 12605/2009/Aa1, dated 20.10.2014 is not binding on the respondents 5 & 6 and that the same cannot be cited to refuse the registration of documents presented before the respondents 5 & 6, the respondents 5 & 6 shall not place any reference on the impugned proceedings in Na.Ka.NO.12605/2009/Aa1, dated 20.10.2014 in future, whenever the documents are presented for registration.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.12299 of 2024

Dated:
14.02.2025