



W.P(MD)No.21865 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21865 of 2025

P.Sivathangam

... 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 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd Respondent in his proceedings RFL/Ottapidaram No.10/2025 dated 20.02.2025 and quash the same as illegal and consequently directing the 3rd Respondent to register the Release deed presented by the petitioner on 20.02.2025 in respect of house site bearing Plot No.59 to extent of 2178 sq.ft (05 cents) situated in Resurvey No.13/1, Panchalankurichi Village, Ottapidaram Taluk, Thoothukudi District, comprised in Patta No.497.



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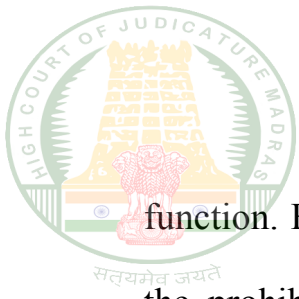
For Petitioner : Mr.P.Banuprasath
For R-1 to R-3 : Mr.S.Kameshwaran
Government Advocate

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned refusal check slip dated 20.02.2025 and consequently direct the third respondent to register the release deed presented by the petitioner on 20.02.2025.

2. Through the impugned order, the third respondent refused to register the document on the ground that a ban order issued by the revenue officials. Therefore, the petitioner was directed to submit a No Objection Certificate from the revenue authorities. Aggrieved over the same, the present writ petition has been filed.

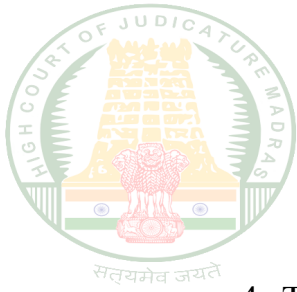
3. The learned Counsel appearing for the petitioner submitted that through the revenue order, the revenue authorities have stated that the land was allotted to the descendants of Kattabomman. However, the communication issued in Na.Ka.No.A2/196/2013 dated 27.08.2013 was already challenged in W.P.(MD)No.27619 of 2024, wherein this Honourable Court held that the revenue authorities cannot restrain the registering authority from discharging its statutory



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function. Further, it is not the case that the land in question has been included in the prohibitory index. Thereafter, the Court quashed the said communication, allowed the writ petition and directed the registering authority to register the document. The same letter was also challenged in W.P.(MD)No.2799 of 2019 and this Court vide order dated 19.02.2019 has passed the similar order. Further in another writ petition in W.P.(MD)No.12586 of 2019 vide order dated 29.05.2019 similar order was passed. However, a contra view was taken by another learned Single Judge in W.No.1190 of 2025 dated 20/01/2025. Against which the aggrieved petitioner had preferred a writ appeal in W.A(MD)No.338 of 2025. The Honourable Division Bench confirmed the earlier order passed by the another learned Single Judge stated supra, wherein, it is held under:

“As rightly pointed out by the learned Counsel for the appellant, the registering authority has cited only the communication of the jurisdictional Tahsildar for declining to register the document. Our attention is drawn to the order dated 29.04.2019 in W.P.(MD)No. 10772 of 2019 in which the communication issued by the Tahsildar, Ottapidaram had already been quashed by this Court. In other words, a communication that was quashed by this Court has been relied upon by the registering authority. The revenue official cannot restrain the registering authority from carrying out his statutory functions. This aspect of the matter has not been taken notice of the learned Single Judge. The order of the learned Single Judge is set aside.”



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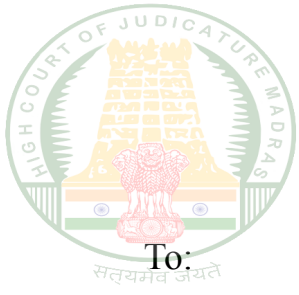
4. Therefore, following the same, this Court is of the considered opinion that the said letter cannot restrain the registering authority for registering the document. Accordingly, the impugned order is hereby quashed. The official respondent is directed to register the document within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

08.08.2025

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

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To:

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S.SRIMATHY, J.

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ORDER MADE IN
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