



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) No.3665 of 2022

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V.Sermakani

.. Petitioner

Vs

1.The District Registrar,
Office of the District Registrar,
Collector Office Campus, Palayamkottai,
Kokkirakulam, Tirunelveli District.

2.The Sub Registrar,
Alwar Thirunagari Sub Registration Office,
Palayamkottai Registration District,
Thoothukudi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to register the sale deed of the property comprised in Survey No.109/1A2 of an extent of 01.01.36 Hectares situated at Suganthalai Village, Tiruchendur Taluk, Thoothukudi District, without insisting upon the petitioner to produce the individual plot approval of the said property.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Shanmugavel for R1 and R2
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to register the sale deed of the property comprised in Survey No.109/1A2 measuring an extent of 01.01.36 Hectares situated at Suganthalai Village, Tiruchendur Taluk, Thoothukudi District, without insisting upon the petitioner to produce the individual plot approval of the said property.

2.According to the petitioner, the aforementioned land is a wet land and is absolutely owned by her. In support of her case, she has filed the documents and enclosed the patta. She has presented the sale deed for registration in which she is the seller with the second respondent. However, the said sale deed is yet to be registered. According to the petitioner, the respondent is refusing to register the sale deed on the ground that individual plot



approval will have to be obtained. In such circumstances, she has filed this writ petition.

3. Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

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4. Admittedly, no refusal check slip has been issued by the second respondent with regard to the petitioner's sale deed which is presented for registration with the second respondent. No representation has also been given by the petitioner to the second respondent requesting for registration of the sale deed, which was presented by the petitioner for registration with the second respondent.

5. No prejudice will be caused to the respondents, if they consider the representation of the petitioner as and when it is given for registration of the sale deed pertaining to the property comprised in Survey No.109/1A2 measuring an extent of 01.01.36 Hectares situated at Suganthalai Village, Tiruchendur Taluk, Thoothukudi District, on merits and in accordance with law, after affording a fair hearing to the petitioner.

6. The learned counsel for the petitioner on instructions, has also agreed to give a representation to the respondents for registration of the presented sale deed.

7. Accordingly, this Court directs the petitioner to submit a representation to the second respondent requesting the second respondent to register the sale deed pertaining to the property in Survey No.109/1A2 measuring an extent of 01.01.36 Hectares situated at Suganthalai Village, Tiruchendur Taluk, Thoothukudi District, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the second respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of three weeks, thereafter.

8. With the aforesaid directions, this writ petition is disposed of. No costs.

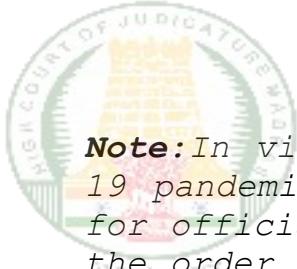
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022
Sub Assistant Registrar (CS)

TM



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The District Registrar,
Office of the District Registrar,
Collector Office Campus, Palayamkottai,
Kokkirakulam, Tirunelveli District.
2. The Sub Registrar,
Alwar Thirunagari Sub Registration Office,
Palayamkottai Registration District,
Thoothukudi District.

W. P. (MD) No. 3665 of 2022
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RJ(CO)
TR(11.03.2022) 3P 3C