



W.P.(MD)No.18841 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18841 of 2021
and
W.M.P.(MD).No.15662 of 2021

V.Ravichandran

... Petitioner

Vs.

1.The Sub Registrar,
Keelanilai,
Sub Registrar Office,
Keelanilai,
Pudukottai District.

2.V.Ummayal

3.V.Tamilselvan

4.V.Chellaiah

5.V.Ganesan

6.V.Chokalingam

7.V.Valli

8.V.Lakshmi



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9.V.Santha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus, calling for the records pertaining to the impugned order in Ne.Mu.No.07/2020 dated 12.01.2021 passed by the first respondent and quash the same as illegal and consequently, directing the first respondent to conduct fresh enquiry and direct the first respondent to register the document in Doc.No.P/Keelanilai/47/2020 dated 01.12.2020 and release the same.

For Petitioner : Mr.G.Mathavan

For R-1 : Mr.A.K.Manikkam,
Special Government Pleader

For R-2, R-4,
R-6 to R-9 : No Appearance

For R-3 & R-5 : Mr.R.Paranjothi

ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent through proceedings dated 12.01.2021 refusing to entertain the gift deed dated 01.12.2020 presented for registration by the petitioner and for a consequential direction to the first respondent to register the document and to release the same.



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2. Heard the learned counsel on either side.

3. The case of the petitioner is that the subject property in Survey No.108/3B5 measuring an extent of 2.5 cents is a punja land belonging to his ancestors. The property devolved upon the father of the petitioner and he has also obtained patta in his name in the year 1985 itself. The father had bequeathed the property in favour of the petitioner through a Will. After the demise of the petitioner's father, the petitioner became entitled to the property and his name was also mutated in the revenue records in the year 2002.

4. The petitioner wanted to gift the property in favour of his mother and accordingly, a gift deed dated 01.12.2020 was executed and presented for registration before the first respondent. The first respondent without affording any opportunity to the petitioner, came to a conclusion that the document cannot be registered on the ground that for the very same property, the patta has been issued to two persons viz., the petitioner and to one Velu. Aggrieved by the order dated 12.01.2021 passed by the first respondent, the present Writ Petition has been filed before this Court.



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5. On carefully going through the order passed by the first respondent, it is seen that in the revenue records, the following entries has been made:

வ.எண்	புல.எண்	பரப்பு	வகைபாடு	பட்டாளன்/பட்டதாரர்	கணக்குகள்
1.	108/3B5	0.0.1.0	ர.மனை	241-திருவாளி பெரியகருப்பன் மகன் வேலு	நத்தம்
2.	108/3B5	0.01.0	புன்செய்	882-வெள்ளைச்சாமி மகன் ரவிச்சந்திரன்	கணிணி

6. It is clear from the above that for the very same survey number, insofar as the third respondent, it is categorized as a “Ryot Manai” and Patta No.241 has been issued. Insofar as the petitioner is concerned, it is categorized as “Punjai Land” and the patta has been issued to the petitioner in Patta No.882. Hence, for the very same property, there were two pattadhars. It is on this ground, the first respondent has refused to register the document.



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7. The learned counsel appearing for the petitioner submitted that the petitioner was not given any opportunity before the impugned proceedings dated 12.01.2021 came to be issued by the first respondent.

8. In the considered view of this Court, even if the matter is sent back to the file of the first respondent and the petitioner is given an opportunity, the fact remains that there are two pattathars for the very same property and this factual scenario cannot be changed. Therefore, even if the matter is remanded back to the file of the first respondent, the result is going to be the same. Hence, this Court does not want the petitioner to undergo a useless formality in the guise of following principles of natural justice.

9. In view of the above, it is left open to the petitioner to make an appropriate application before the Revenue Divisional Officer and seek for the cancellation of the patta that has been granted in favour of Velu. The said Velu has died and his legal representatives are added as respondent Nos.2 to 9 in this Writ Petition. This application shall be made by the petitioner within a period of two (2) weeks from the date of receipt



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of a copy of this order. On receipt of the application, the Revenue Divisional Officer shall issue notice to respondent Nos.2 to 9 and conduct an enquiry and pass final orders on merits and in accordance with law within a period of eight (8) weeks thereafter. Subject to the result of the proceedings of the Revenue Divisional Officer, the petitioner can revive his claim for execution of document pertaining to the subject property.

10. This Writ Petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

21.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG
To
The Sub Registrar,
Keelanilai,
Sub Registrar Office,
Keelanilai,
Pudukottai District.



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N.ANAND VENKATESH, J.

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