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W.P.(MD)NO.20974 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.POORNIMA

W.P.(MD)No.20974 of 2019

and

W.M.P.(MD)Nos.17574 & 23598 of 2019

Irudhayasamy

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Trichy Road,
Thanjavur.

2. The Tahsildar,
Taluk Office,
Court Road, Thanjavur.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant patta in the name of the petitioner for S.No. 326/2-0.40.5 Hectares of Nanjikkottai Village, Thanjavur Taluk and District covered by the grand deed dated 29.09.1969 in favour of the petitioner.

For Petitioner : Mr.P.Vadivel

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *



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ORDER**(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

The petitioner is holding the petition-mentioned land under a deed of grant dated 29.09.1969 issued by the Tamil Nadu Bhoodan Yagna Board. The petitioner contends that the land has been assessed to tax and that it is under cultivation and that he has not breached the conditions of grant. The petitioner has been calling upon the jurisdictional Tahsildar to issue patta. The petitioner's request has not been considered till date. The petitioner's counsel states that on account of non-registration of the deed of grant, the Tahsildar, Thanjavur is declining to consider the said representation.

2. Section 17 of the Registration Act mandates that instruments of gift of immovable property and other non-testamentary instruments that purport or operate to create any right, title or interest in immovable property will have to be compulsorily registered. But Section 24 of the Tamil Nadu Bhoodan Yagna Act, 1958 reads as follows:-

“ 24. Exemption from registration and



stamp duty. --Notwith. standing anything contained in any other law, every declaration and every grant of land made or deemed to have been made under this Act shall be and be deemed to have been exempt from registration and payment of stamp duty and of encumbrance certificate fee."

Entry 6 of the Concurrent list deals with registration of deeds and documents. Article 254(2) of the Constitution of India states that where a law made by a State Legislature with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provision of an earlier law made by Parliament or an existing law with respect to that matter, then the law made by the State Legislature shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State. It is relevant to note that the Bhoodan Act had also received the presidential assent. Hence, Section 24 of the Bhoodan Act though repugnant to Section 17 of the Registration Act, 1908 will prevail over the same. Section 24 of the Bhoodan Act opens with an overriding clause. Hence, a deed of grant issued by the Bhoodan Yagna Board does not require registration. The jurisdictional Tahsildar will have to consider the request of the writ petitioner for



issuance of patta on merits. The fact that the deed of grant had not been registered is immaterial.

3. We permit the petitioner to submit a fresh representation / application for issuance of patta. The second respondent shall consider and dispose it of on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
23rd March 2026

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

PMU

To:

1. The Tahsildar,
Taluk Office,
Court Road, Thanjavur.
2. The Revenue Inspector,
Nanjikkottai,
Thanjavur Taluk.



WEB COPY



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R.POORNIMA, J.

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