



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) No.13937 of 2019
and
W.M.P. (MD) No.10420 of 2019

Periyasamy

... Petitioner

-Vs-

1.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

2.The Sub Registrar,
Registrar Office,
Thuraiyur.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned communication in Mu.Mu.A1/2869/2019 dated 20.05.2019 issued by the 1st respondent and quash the same and consequently, direct the 2nd respondent to register the returned document No.P/Thuraiyur/36/2019 which is to be resubmitted by the petitioner to the 2nd respondent.

For Petitioner : Mr.N.Mohan

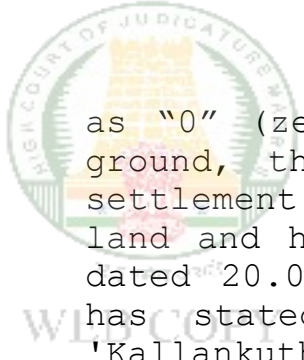
For Respondents : Mr.M.Murugan, Govt. Advocate

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication in Mu.Mu.A1/2869/2019 dated 20.05.2019 issued by the 1st respondent and quash the same and consequently, direct the 2nd respondent to register the returned document No.P/Thuraiyur/36/2019 which is to be resubmitted by the petitioner to the 2nd respondent.

2.Heard Mr.N.Mohan, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.A patta seems to have been given to the petitoiner for the land in S.No.329 in Keerambur village, Tiruchirappalli District to the extent of 1.33.5 Ares and the same has been shown as 'Kallankuththu' (vacant dry). The guide line value has been shown



as "0" (zero), i.e., without any guideline value. Only on that ground, the 2nd respondent seems to have refused to register a settlement deed submitted by the petitioner in respect of the said land and he also received a communication from the 1st respondent dated 20.05.2019 in Mu.Mu.A1/2869/2019, where, the 1st respondent has stated that since the subject land has been shown as 'Kallankuththu' (vacant dry), the patta No.889, claimed by the petitioner to have been given to him, is not a genuine one. The said communication dated 20.05.2019 is challenged in this writ petition.

4.I have heard the learned counsel appearing for the petitioner.

5.Mr.Murugan, learned Government Advocate appearing for the respondents had produced the original relevant records from the 1st respondent office, where patta No.889, in respect of Keerambur village, Village No.47, Thuraiyur Taluk, Tiruchirappalli has been given only to the petitioner i.e., Periyasamy S/o.Karuppannan for the said S.No.329 with an extent of 133.5 Ares.

6.By relying upon the said original register, the learned Government Advocate appearing for the respondents, would submit that, since in the revenue records, it has been shown as 'Kallankuththu (dry vacant land) and it does not carry any guideline value and on fact, it is being utilized as an agricultural land by the petitioner, if the petitioner gives a formal representation to the 1st respondent Tahsildar office, the same would be considered by the 1st respondent to make a correction in respect of the nature of the land and accordingly, the petitioner, after getting such order from the 1st respondent can resubmit the document in question to the 2nd respondent for registration and in that case, the 2nd respondent, after having verified the guideline value to be imposed for stamp duty in respect of the subject land, would take necessary action to register the document.

7.In respect of the said submission made by the learned Government Advocate appearing for the respondents, the learned counsel appearing for the petitioner would submit, that he would make necessary request by way of a representation or application to the 1st respondent to change the name of the nature of the land, which has been wrongly mentioned as Kallankuththu and accordingly, he will do the needful.

8.Having regard to the said submission made by both sides and having gone through the original records produced before this Court, this writ petition is disposed of with the above direction.

<https://hcservices.ecourts.gov.in/hcservices/>

"The impugned order dated 20.05.2019 issued by the 1st respondent to the 2nd respondent is hereby quashed.



The petitioner shall file a necessary request or application to the 1st respondent to make the correction with regard to the nomenclature of the nature of the land i.e. in stead of Kallankuththu into Punja land and if such representation or application is received from the petitioner, the same shall be acted upon and necessary correction has to be made by the 1st respondent office, within a period of two weeks from the date of receipt of such application and once, such a correction is made by the 1st respondent office, necessary orders to that effect would be passed by the 1st respondent and on receipt of such order, the petitioner can resubmit the document in question to the 2nd respondent and on such re-submission, the 2nd respondent shall verify the guideline value of the survey number under the rectified nomenclature of the nature of the land and accordingly, do the needful to register the document in question, within a period of four weeks thereafter."

9. With this direction, this writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Tahsildar,
Thuraiyur Taluk,
Trichy District.

2. The Sub Registrar,
Registrar Office,
Thuraiyur.

+1 CC to M/s.N.MOHAN, Advocate (SR-75064[F] dated 12/07/2019)

+1 CC to M/s.SPL GP (SR-75175[F] dated 15/07/2019)

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**Order made in
W.P. (MD) No.13937 of 2019**

**and
W.M.P. (MD) No.10420 of 2019**

Dated:
12.07.2019