



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.16415 of 2020

WEB COPY

Maheswari

... Petitioner

-VS-

1. The Sub Registrar,
Sub Registrar Office,
Keelaniilai Registrar Office,
Thirumayam Taluk,
Pudukkottai District.

2. Selvi

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent refusing Check Slip (RFL/Keelaniilai/7/2020) dated 29.10.2020 and quash the same as arbitrary, illegal and consequently, direct the first respondent to register the document submitted by the petitioner on 29.10.2020 in respect of the S.F.Nos.389/4B and 390/4B with an extent about 33.50 and 0.02.0 ares of Nanja land in Melnilaivayal Village, Thirumayam Taluk, Pudukkottai Registration District and Pudukkottai District.

For Petitioner : Mr.K.Baalasundharam

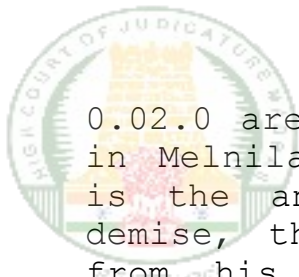
For Respondent 1 : Mr.K.Sathiyasingh
Additional Government Pleader

O R D E R

This petition has been filed challenging the Refusal Check Slip of the first respondent dated 29.10.2020 and consequential direction to the first respondent to register the document submitted by the petitioner on 29.10.2020 in respect of the S.F.Nos.389/4B and 390/4B measuring to an extent of 33.50 and 0.02.0 ares of Nanja land in Melnilaivayal Village, Thirumayam Taluk, Pudukkottai Registration District and Pudukkottai District.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.Sathiyasingh, learned Additional Government Pleader appearing for the first respondent. Since this Court is not going to pass any adverse orders against the second respondent, notice to her is dispensed with.

3.The learned Counsel appearing for the petitioner would
<https://hcmca.courts.tn.gov.in/caseservices/> properties measuring to an extent of 33.50 and



0.02.0 ares of Nanja Lands in S.F.Nos.389/4B and 390/4B situated in Melnilaivayal Village, Thirumayam Taluk, Pudukkottai District is the ancestral properties of on Vellaichamy and after his demise, the petitioner had purchased the above said properties from his legal heirs for a valuable consideration. While presented the document for registration before the first respondent on 29.10.2020, the first respondent had refused to register the same on the ground that the second respondent had filed a protest petition stating that an enquiry is pending before the District Revenue Officer, Pudukkottai regarding the rights of the property in S.F.No.389/4B. According to the petitioner, already a Writ Petition was filed in W.P.(MD)No.13231 of 2019 by the vendors of the petitioner, as the second respondent had made a false claim over the property based on a wrong entry in the patta bearing No.1344. Therefore, in pursuance of the order passed in W.P.(MD)No.13231 of 2019, the mistake was rectified by deleting the name of the second respondent and a joint patta was issued in favour of the petitioner's vendors name bearing Patta No.1854. However, the first respondent has refused to register the document. Challenging the same, the present Writ Petition has been filed.

4.Mr.K.Sathiyasingh, learned Additional Government Pleader appearing for the first respondent submitted that an enquiry is pending before the District Revenue Officer, Pudukkottai, with regard to S.F.No.389/4B.

5.Considering the facts and circumstance of the case and the submission made by the learned Additional Government Pleader appearing for the first respondent, this Court is not inclined to grant the relief sought for as such by the petitioner. However, this Court, without rendering any findings on the merits of the matter, directs the first respondent to conclude the enquiry and pass orders in accordance with law, within a period of 120 days from the date of receipt of a copy of this order, after hearing the interested parties including the second respondent.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



SRM

To:

The Sub Registrar,
Sub Registrar Office,
Keelanilai Registrar Office,
Thirumayam Taluk,
Pudukkottai District.

+1 CC to Additional Government Pleader (SR-22415[F] dated
20/11/2020)

W.P. (MD) No.16415 of 2020
20.11.2020

ARK (CO)
KM (22.12.2020) 3P 3C