

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.10200 of 2018

Madevappa

.. Petitioner

Vs.

1. The Sub Registrar of Denkanikota
Denkanikota 635 107

2. The Tahsildar
Denkanikota 635 107

3. The District Registrar
Krishnagiri

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider petitioner's legal representation dated 20.12.2017.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.B.Kannan
Government Advocate

सत्यमेव जयते
O R D E R

This writ petition is for a direction to the respondents to consider petitioner's legal representation dated 20.12.2017 and for other consequential orders.

2. The petitioner caused a legal notice to the revenue officials and the Sub Registrar, Denkanikota, and called upon the revenue officials, not to cause any mutation of revenue records in respect of certain lands. The petitioner has also requested the first respondent, to treat the representation as a protest petition and to disallow any further conveyance that

might be presented for registration by one Mathesh or any one claiming under him.

3. In the course of arguments and in the affidavit, it is admitted that a civil suit filed by one Mr.Hanumanthappa for partition was decreed and a final decree also was passed in respect of properties against petitioner's father. The counsel now says an appeal is pending before the Appellate Court. The question regarding title should always be decided by the civil court and the Revenue officials or the Registering Authority are not supposed to decide the question of title while admitting any document for registration. The statutory authorities are expected to respect the decree by a civil court. It is also admitted that a document of sale had already been executed based on the allotment in the suit for partition. The representation is to prevent further registration of documents.

4. Section 14 of the Tamil Nadu Patta Pass-Book Act, 1983 also clarifies the position that the revenue records should always be in consonance with the decree of civil court declaring one's title. In case, the petitioner succeeds before the civil court, (in this case before the Appellate Authority), it is open to the petitioner to approach the Revenue officials for mutation of records.

5. Section 5 of the Tamil Nadu Patta Pass-Book Act, 1983, specifically requires the person registering a document of conveyance to show patta in respect of the property, which is the subject matter of conveyance. It is open to the petitioner, after getting a verdict in his favour can approach the Registering Authority not to register any document that may be executed by any person, who does not have any holdings, as per the revenue records or to carry out mutation as per civil court's decree. The petitioner has not impleaded proper and necessary parties who dispute the petitioner's share. The writ petition is therefore not maintainable. However, with a liberty to the petitioner to approach civil court, the writ petition is dismissed. However, there is no order as to cost.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Asr

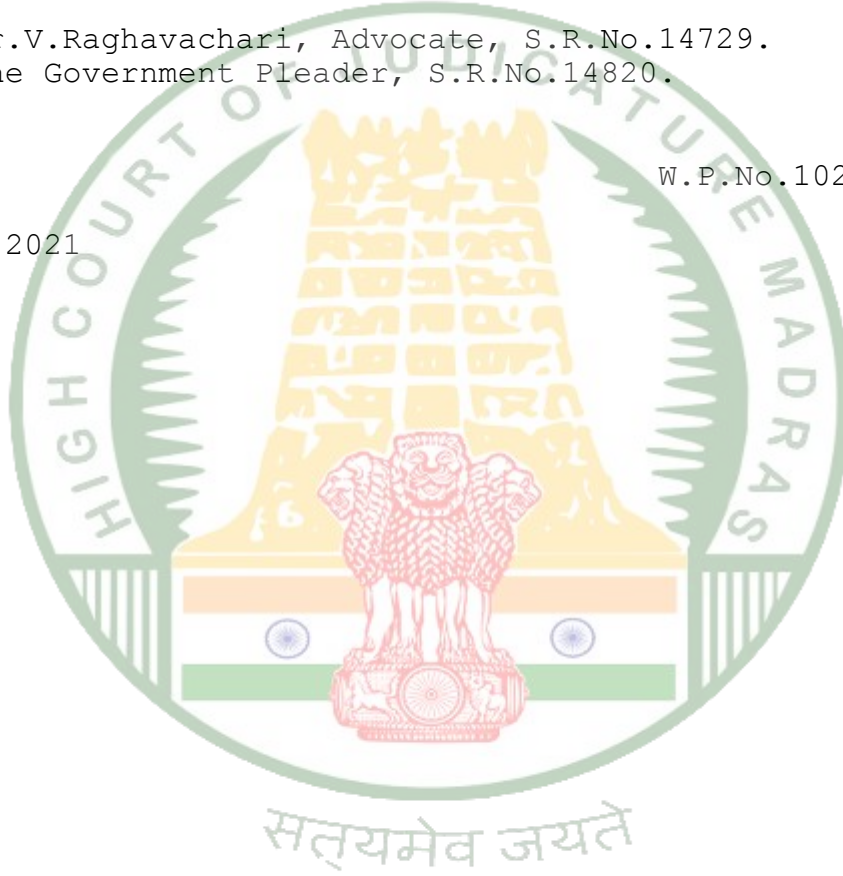
To

1. The Sub Registrar of Denkanikota
Denkanikota 635 107.
2. The Tahsildar
Denkanikota 635 107.
3. The District Registrar
Krishnagiri.

+lcc to Mr.V.Raghavachari, Advocate, S.R.No.14729.
+lcc to the Government Pleader, S.R.No.14820.

W.P.No.10200 of 2018

GPL (CO)
CSR 01.04.2021



WEB COPY