



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12013 of 2021

WEB COPY

P.Chellapandian

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai

2.The Commissioner,
Madurai Corporation,
Anna Maligai,
Tallakulam, Madurai - 625 002.

3.The Tahsildar,
Madurai North Taluk, Madurai.

4.The Sub-Registrar,
No.I, Madurai North,
Y.Othakadai, Madurai

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus directing the 4th Respondent to register the Document/Sale Deed which was presented for registration on 08.07.2021 in T.P. No.103239247/2021 and consequently set aside the refusal check-slip issued by the 4th Respondent dated 08.07.2021.

For Petitioner : Mr.S.Palpandi

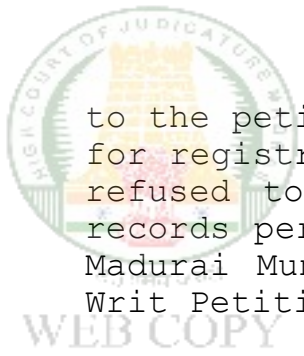
For R-1, R-3
& R-5 : Mr.M.Lingadurai,
Government Advocate

For R-2 : Mr.R.Murali

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the fourth respondent to register the document presented for registration pertaining to the subject property.

2. The case of the petitioner is that the subject property was originally assigned in the name of the grandmother of the petitioner to an extent of 1078 square feet. The further case of the petitioner is that the house tax assessment was also made in her name and she was in possession and enjoyment of the property. A Document was executed by her aunt to sell her share in the property



to the petitioner and his brother. When this document was presented for registration before the fourth respondent, the fourth respondent refused to register the document on the ground that the revenue records pertaining to the subject property stand in the name of the Madurai Municipal Corporation. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3. Heard Mr.S.Paulpandi, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1, 3 and 4 and Mr.R.Murali, learned Standing Counsel appearing for the second respondent.

4. In the considered view of this Court, the revenue records now stand in the name of the Madurai Municipal Corporation. Unless revenue records are mutated in the name of the private individual, the fourth respondent cannot entertain any document for registration since there is a bar under Section 22A of the Registration Act. The petitioner has to therefore take steps to get the revenue records mutated in the name of the private individual and thereafter, the document can be presented for registration before the fourth respondent. Till then, the fourth respondent cannot entertain any document pertaining to the subject property.

5. Except giving this clarity, no further orders can be passed in this Writ Petition.

6. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Madurai District,
Madurai



2.The Commissioner,
Madurai Corporation,
Anna Maligai,
Tallakulam,
Madurai - 625 002.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

4.The Sub-Registrar,
No.I, Madurai North,
Y.Othakadai,
Madurai

+1 CC to M/s.SPL GP (SR-23209[F] dated 19/07/2021)

W.P. (MD) .No.12013 of 2021

16.07.2021

RD(27.07.2021) 3P 6C