



W.P(MD)No.6798 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6798 of 2022
and
W.M.P(MD)No.5246 of 2022

K.Ganesan

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar District Registration Office,
Virudhunagar,
Virudhunagar District.

2.The Sub Registrar,
O/o.Seththur Sub Registrar,
Seththur, Virudhunagar District.

3.The Tahsildar,
Rajapalayam, Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication in Na.Ka.A4/4498/2020 , dated 01.2021 signed on 27.01.2021 issued by the



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third respondent and the consequential impugned refusal proceedings in Refusal Number RFL/Seththur / 4/ 2021 , dated 12.02.2021 issued by the second respondent and quash the same as illegal and consequently direct the second respondent to register the settlement deed dated 12.02.2021 executed by the Writ Petitioner in favour of his G.Anandha Krishnan in respect of property in S.No.299 , measuring 3.577 cents situated at S.No. 299 , Ward No.9, Muthusubbaiahpuram, Chettiyarpatti Village, Seththur, Virudhunagar District and release the same within the time limit fixed by this Court.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Heard both sides.

2.The writ petitioner and one Kavurajan purchased 81.06 cents of land comprised in Survey No.299, Chettiyarpatti Village from one Kammavar Naidu Mahajana Sangam vide sale deed dated 25.11.2010 for valuable consideration. Document was registered as Document No. 4044/2010 on the file of SRO, Sethur. Subsequently the petitioner and

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the said Kavurajan partitioned the property between themselves. Partition deed dated 13.10.2020 was registered as Document No. 2911/2020. As per the said partition deed, the petitioner was allotted B-Schedule property. The B-Schedule contains eight items. The petitioner now wants to settle a portion of what was allotted to him in favour of his son Anandha Krishnan. The settlement deed dated 12.02.2021 was presented for registration. The second respondent declined to register the document and issued impugned refusal check slip. The registering authority was constrained to refuse registration on account of the communication dated 27.01.2021 issued by the Tahsildar, Rajapalayam calling upon the registering authority not to entertain registration of any document in respect of Survey No.299 since enquiry is warranted into the classification of the land. Challenging the stand of the revenue authorities and the registering authority, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

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4.The learned Government Advocate submitted that the survey number was originally classified as “Arasu poromboke” and in the remarks column it has been described as “Nandhavanam”. The relevant extract from the A-register has been produced for my perusal. Without proper enquiry classification was erroneously changed and in the revenue record it was entered as if as the property belongs to Kammavar Naidu Mahajana Sangam. The stand of the respondents is that since enquiry is presently being conducted, it would not be proper to permit the registration of documents pertaining to the said survey number. The respondents called upon to sustain the impugned communication and dismiss the writ petition.

5.I carefully consider the rival contentions and went through the materials on record. No doubt in the A-register, the original classification of the land had been mentioned as “Arasu poramboke”. But the fact remains the petitioner and the said Kavurajan were allowed to purchase the property in the year 2010. Sale deed executed by Kammavar Naidu Mahajana Sangam was also registered. Patta was then standing in the name of the sangam.



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6. When the sale transactions took place in the year 2010, the patta stood in the name of the sangam. It is beyond dispute that subsequently there was a partition between the purchasers and the partition deed was also allowed to be registered.

7. The present transaction is a mere continuation of the aforesaid two transactions. Therefore, the registering authority cannot now decline to register the document. In any event, the revenue authority cannot restrain the registering authorities from discharging his statutory functions.

8. In this view of the matter, the impugned communication is set aside. The petitioner is permitted to re-present the settlement deed and the same will be received, registered and released subject to the fulfillment of the other usual formalities.

9. This writ petition is allowed accordingly. I however make it clear that grant of relief in this writ petition will not come in the way of the revenue authorities from taking action as per law. There shall be no



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order as to costs. Consequently, connected miscellaneous petition is closed.

21.11.2023

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

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