



W.P(MD)No.1010 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1010 of 2016 and
WMP(MD) No.836 of 2016

K.Selvendiran

... Petitioner

Vs

1.The Sub Registrar,
Sub Registrar Office, Chekkanoorani,
Madurai District.

2.The Tahsildar,,
Usilampatti Taluk,
Madurai.

(R2 is *suo motu* impleaded vide Court Order Dated.05.10.2023 in WP(MD).1010/2016 by BPJ).

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent herein in his proceedings dated 08.12.2015 and quash the same and consequently direct the respondent herein to return the pending document No.P. 4/2013 dated 04.02.2013 to the petitioner forthwith.

For Petitioner
For Respondents

: Mr.K.Hemakarthiskeyan
: Mr.Suriya Anandh
Additional Government Pleader



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ORDER

This writ petition is filed as against the order passed by the Sub Registrar, Chekkanoorani, dated 08.12.2015, refusing to return the document, which was presented by the petitioner on 04.02.2013 for registration.

2.The case of the petitioner is that the petitioner said to have purchased a land in S.No.11/15B, Panniyan Village, Usilampatti Taluk, Madurai to an extent of 5 cents from one Mayandi, in whose name the patta stands. The sale deed has been presented before the Sub Registrar, Chekkanoorani on 04.02.2013 for registration. However, in view of the objections raised by one Chinnasamy, the Sub Registrar has refused to return the document and kept it pending. Aggrieved over the same, this writ petition was filed in the year 2016.

3.It appears that the petitioner has impleaded the Sub



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Registrar, Chekkanoorani alone as a respondent to this writ petition.

The objector has not been added as a party.

4.The learned counsel for the petitioner submitted that without assigning any reasons, the impugned order has been passed and hence, the petitioner is not in a position to implead the objector as a party to this writ petition.

5.The learned Additional Government Pleader submitted that with regard to this issue a civil suit in O.S.No.228 of 2012 is pending before the District Munsif Court, Usilampatti.

6.Considering the submissions made, this Court by order dated 05.10.2023 *suo motu* impleaded the Tahsildar, Usilampatti Taluk, Madurai as a respondent in this writ petition and directed the learned Additional Government Pleader to get instructions as to the present position of patta No.961 for the land in S.No.11/15B and the present stage of a civil suit in O.S.No.228 of 2012.



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7.Today(12.10.2023) when this writ petition is taken up for hearing, the learned Additional Government Pleader appearing for the respondents has produced a report of the Tahsildar, Usilampatti, wherein, it is stated that the patta for the land in S.No. 11/15B stands in the name of one Chinnasamy and his wife one Karuppayi. However, during UDR survey, patta stands in the name of one Sundathevar S/o Vairathevar. The learned Additional Government Pleader submits that the said Chinnasamy has filed a civil Suit in O.S.No.228 of 2012 as against one Mayandi and seven others on the subject property, before the District Munsif Court, Usilampatti and the same was dismissed by a Judgment and decree dated 28.11.2017. Thereafter, the Department is not having any information regarding this issue between Mayandi and Chinnasamy.

8.This Court considered the rival submissions made and also perused the materials placed on record.



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9.The petitioner has purchased the property in S.No. 11/15B based on the patta, which stands in the name of one Mayandi. When the document was presented for registration, one Chinnasamy has raised certain objections and therefore, the document, which was registered has not been returned to the petitioner and kept pending. The revenue officials have taken a stand that patta stands in the name of one Chinnasamy and his wife Karuppayee. However, during UDR survey, it stands in the name of Sundathevar S/o Vairathevar.

10.In view of the above, this writ petition is disposed of with a liberty to the petitioner to file an application on behalf of his vendor Mayandi, before the Revenue Divisional Officer concerned within a period of one month from the date of receipt of a copy of this order. On receipt of such application, the Revenue Divisional Officer shall take a decision with regard to the patta for the land in S.No.11/15B. After getting order from the Revenue Divisional



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officer, the petitioner shall approach the Sub Registrar, Chekkanoorani for release of document. No costs. Consequently, connected Miscellaneous Petition is closed.

12.10.2023

NCC: Yes/No

Index: Yes/No

Internet: Yes

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To

1.The Sub Registrar,
Sub Registrar Office, Chekkanoorani,
Madurai District.

2.The Tahsildar,,
Usilampatti Taluk,
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B.PUGALENDHI, J.

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W.P(MD)No.1010 of 2016 and
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