



W.P(MD)No.27522 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27522 of 2022

Subramanian

... Petitioner

Vs.

1.The Sub Registrar,
Kulathur,
Pudukottai District.

2.Palanisamy

... 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 of the Refusal Cheque Slip dated 07.11.2022 in RFL/Kulathur/72/ 2022 issued by the 1st respondent and quash the same as illegal and arbitrary and in consequence thereof direct the 1st respondent to register the document presented by the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.N.Satheeskumar,
Addl. Government Pleader for R1.
Mr.M.Balakrishnan for R2.



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ORDER

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Heard the learned counsel on either side.

2.The petitioner executed a settlement deed in favour his son and presented the same for registration before the first respondent. The second respondent raised an objection stating that the property is an ancestral property and that he is also having half share therein. The second respondent has no objection for the petitioner to settle his half share in the property. The second respondent is aggrieved that the petitioner is settling the entire 29 cents in favour of his son.

3.The second respondent further pointed out before the first respondent that the revenue record originally indicated the names of both the petitioner and the second respondent and that there was mutation without notice and aggrieved by the mutation, the second respondent has preferred an appeal before the jurisdictional Revenue Divisional Officer.

4.In the light of these aspects, the first respondent issued the impugned refusal check slip stating that the petitioner can re-present the document after



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the conclusion of the Revenue Divisional Officer proceeding. Questioning the same, the present writ petition has been filed.

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

6.The learned Additional Government Pleader as well as the learned counsel for the second respondent submit that the impugned order does not warrant interference.

7.I carefully considered the rival contentions and went through the material on record. It is not in dispute that the land is comprised in S.No.442/7. It was originally natham land and joint patta was issued in favour of the petitioner and the second respondent. While the petitioner would assert that only after getting consent of the second respondent mutation was effected, the second respondent would deny the said claim. According to him, mutation was done behind his back. These are factual aspects and they have to be decided only by the jurisdictional Revenue Divisional Officer. That is why the first respondent rightly took the stand that the petitioner can re-present the



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document after the outcome of the Revenue Divisional Officer's proceedings.

This approach in my view is reasonable and it does not call for interference.

The writ petition stands dismissed. No costs.

03.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

The Sub Registrar,
Kulathur,
Pudukottai District.



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G.R.SWAMINATHAN, J.

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