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W.P.No.24594 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24594 of 2024

Malliga

...Petitioner

Vs.

1. The Sub Registrar,
O/o. The Sub Registrar,
Kodumudi,
Erode District.

2. The Tahsildar,
O/o. The Tahsildar,
Kodumudi, Post & Taluk,
Erode – District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to refusal check slip in RFL/Kodumudi/52/2024 on the file of the 1st respondent /the Sub Registrar Kodumudi Erode-District dated 29.7.2024 and quash the same and further direct the 1st respondent to register the release deed dated 29.7.2024 in respect of land situated in survey No.233/1 to an extent 7 Ares and 233/11 to an extent of 3 Ares of Nanjaikolaanalli village Kodumudi-Taluk Erode- District.



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For Petitioner : Mr.D.Veerasekharan
For R1 & R2 : Mr.M.Shahjahan
Special Government Pleader

ORDER

Aggrieved by the refusal check slip issued by the 1st respondent refusing to register the release deed executed by the petitioner in favour of her brother, she has come before this Court by way of writ petition.

2. According to the petitioner, her grandfather namely Krishna Kander owned 20 ares of land in Old Survey No.243A situated at Nanjaikolaanalli Village, Kodumudi Taluk, Erode District. After the death of said Krishna Kander, there was a partition among his sons namely Aruvatti Kander @ Muthusamy Kander and Suppana Kander. The petitioner's father Aruvatti Kander @ Muthusamy Kander was allotted 7 ares of land in Survey No. 233/1 (Old Survey No.243-A) and 3 ares of land in Survey No.233/11(Old Survey No.243-A). In the old A-register, the name of the petitioner's father was mentioned as K.Muthusamy Gounder instead of Aruvatti Kander @



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Muthusamy Kander, son of Krishna Kander. The father of the petitioner died on 23.12.1979 leaving behind the petitioner, her mother and younger brother.

The legal heirship certificate issued by the competent authority is also filed in the typed set of papers. Later, the petitioner's mother also died on 05.01.2024.

The above mentioned properties are being cultivated by petitioner's brother.

Therefore, the petitioner executed a release deed in favour of his brother and presented the same for registration on 29.07.2024. The 1st respondent refused

registration mainly on the ground that in the old A-register, the owner of the property was mentioned as K.Muthusamy Gounder instead of Aruvatti Kander

@ Muthusamy Kander. The petitioner also produced patta issued by the revenue officials in the name of legal heirs of Aruvatti Kander @ Muthusamy

Kander wherein the names of the petitioner, his brother Rajendran and deceased mother found placed. In the computer A-register issued by the

revenue department also, the names of the petitioner, her brother and mother got mutated. However, in the old register, the name of the petitioner's father

mentioned as K.Muthusamy Gounder instead of Aruvatti Kander @

Muthusamy Kander. Therefore, 1st respondent refused registration.



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3. The official list of Backward Classes maintained by the Tamil Nadu Government is also included in the typed set of papers. The entry No.169 in the official list of Backward Classes reads as follows:-

“169. Vanniakula Kshatriya (including Vanniyar, Vanniya, Vannia Gounder, Gounder or Kander, Padayachi, Palli and Agnikula Kshatriya)”

4. Therefore, it is clear that Gounder or Kander are the expression referring to a same caste. In such circumstances, the 1st respondent is not justified in refusing registration on the ground that in the old A-register, the name of the owner of the property is mentioned as K.Muthusamy Gounder instead of Aruvatti Kander @ Muthusamy Kander, son of Krishna Kander. It is also seen that the name of the petitioner's grandfather is Krishna Kander. Therefore, K.Muthusamy Gounder mentioned in the old A-register only refer to petitioner's father. There is no serious discrepancy in the revenue documents produced by the petitioner. The 1st respondent is not justified in refusing registration. When petitioner produced revenue documents like patta and present A-register in her name, the 1st respondent is not justified in



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overlooking the same and rejecting the document presented for registration by pointing out minor discrepancy in the old A-Register. Therefore, the impugned order is quashed and the writ petition stands allowed.

5. The petitioner is directed to represent the document before the 1st respondent within a period of two weeks from the date of receipt of copy of this order and the 1st respondent is directed to register the same if it is otherwise in order.

28.08.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Sub Registrar,
O/o. The Sub Registrar,
Kodumudi, Erode District.
2. The Tahsildar,
O/o. The Tahsildar,
Kodumudi, Post & Taluk,
Erode – District.

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S.SOUNTHAR, J.
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