



W.P.No.214 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.214 of 2024

and

W.M.P.No.254 of 2024

1.K.Muniappan

2.K.Selvam

... Petitioners

versus

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai.

2.The Sub-Registrar,
Pennagaram Sub Registrar Office,
Dharmapuri District.

3.The Tahsildar,
Pennagaram Tahsildar Office,
Dharmapuri District.

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in RFL/ Pennagaram/250/2023 dated 19.10.2023 and to quash the same and consequently directing the second respondent to register and release the Partition Deed dated 12.10.2023 forthwith for the properties comprised in Survey No.263 to an extent of Acer 1.15 cents, situated at Paruvathanahalli Village, Pennagaram Taluk, Dharmapuri District, without insisting for the production of Possession Certificate.

For Petitioners : Mr.K.Balaji

For Respondents : Mr.R.Neethi Perumal
Government Advocate

ORDER

The prayer sought for in the present writ petition is to quash the impugned order passed by the second respondent in RFL/ Pennagaram/250/2023 dated 19.10.2023 and consequently direct the second respondent to register and release the Partition Deed dated 12.10.2023



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forthwith for the properties comprised in Survey No.263, measuring an extent of Acre 1.15 cents, situated at Paruvathanahalli Village, Pennagaram Taluk, Dharmapuri District, without insisting for the production of Possession Certificate.

2.The case of the petitioners is that their grandfather Perumal Gounder and his brother Munia Gounder owned agricultural property measuring an extent of Acre 2.30 cents (0.93.00 Ares) in S.No.263 in Paruvathanahalli Village, Pennagaram Taluk, Dharmapuri District. After the demise of Perumal Gounder, the petitioners' father got the subject property by oral partition. Subsequently, the petitioners' father mortgaged the subject property in Pennagaram Co-Operative Agricultural Bank by registered Mortgage Deeds dated 11.01.1941 and 24.05.1963 as Doc.Nos.35/1941 and 491/1963. After the demise of the petitioner's father, the subject property has been inherited by the petitioners and their siblings. While that being so,



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during the Updating Registry Scheme (UDR) the entire extent was sub-divided into three divisions. However, the petitioner's father granted with Acre 0.95 cents, instead of Acre 1.15 cents. Hence, the second petitioner herein filed an appeal before the District Revenue Officer, Dharmapuri and after enquiry, the District Revenue Officer cancelled the UDR sub-division and made entry in the names of Perumal Gounder and his brother Munia Gounder. Challenging the same, the second petitioner filed a revision before the District Revenue Officer, which came to be allowed on 17.02.2023. Pursuant to the order of the District Revenue Officer, the Tahsildar/third respondent herein had issued Patta No.7068 in the name of the legal heirs of Chinnasami, Munusamy Gounder and Kulandai Gounder. The legal heirs of Kulandai Gounder, viz., the petitioners and their siblings entered into a partition deed. When the same was presented for registration, the second respondent passed impugned refusal check slip for want of Possession



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Certificate from the Revenue Authorities in respect of the petitioners' property. Challenging the same, the present writ petition has been filed.

3. The learned Government Advocate appearing for the respondents, by referring to the counter affidavit, contended that the District Revenue Officer, Dharmapuri vide proceedings dated 17.02.2023 issued joint Patta in respect of entire extent in S.No.263 in favour of the legal heirs of Chinnasami, Munusamy Gounder and Kulandai Gounder. Therefore, the second respondent/Sub-Registrar has directed the petitioners, who are the legal heirs of Kulandai Gounder to get signatures of the joint pattadars or Possession Certificate mentioning the extent of property belongs to the executants or specific orders from the Court of law. However, the petitioners instead of approaching the Thasildar to obtain Possession Certificate, they have filed the present writ petition. Therefore, the writ petition is not maintainable and the same is liable to be dismissed.



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4. Heard both sides and perused the materials available on record.

5. It is seen that in the Revenue Records all the sub-divided properties in S.No.263 of Paruvathanahalli Village, measuring an extent of 0.93.0 hectares are treated as one property and a joint Patta was issued and hence, the second respondent in the impugned order directed the petitioners to produce Possession Certificate for the extent of property, in which they are in possession. However, the petitioners instead of approaching the authority concerned for getting Possession Certificate, have filed the present writ petition. Therefore, this Court does not find any irregularity in the impugned order passed by the second respondent and hence, this writ petition is liable to be dismissed.

6. In view of the above, the writ petition is dismissed. However, the petitioners are at liberty to work out their remedy in the manner known to



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law. In case, the petitioners have complied with the directions/observations given in the refusal check slip, the Registrar may consider the same and pass orders on merits and in accordance with law. There shall be no order as to costs.

7. W.M.P.No.254 of 2024 is ordered on payment of separate Court fees by each of the petitioners.

13.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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P.VELMURUGAN, J.

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