



W.P.(MD)No.5603 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.5603 of 2024

V.Senthilnathan

... Petitioner

/Vs./

1.The Sub Registrar,
Paramakudi,
Ramanathapuram District.

2.Thiruvadudurai Aadheenam,
Through General Manager,
Kuthalam Taluk,
Mayiladurai District.

3.The Assistant Commissioner,
H.R and C.E Department,
Ramanathapuram - 623 506.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to release the Sale deed dated 24.01.2024 executed in favour of the petitioner by Suseela and Senthilnathan under pending Doc.No. 2/2024 on the file of the 1st respondent.



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For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.S.P.Maharajan (R1)
Special Government Pleader
Mr.B.Brijesh Kishore (R2)
No appearance (R3)

ORDER

This writ petition has been filed for a direction to release the sale deed dated 24.01.2024, which was presented for registration before the first respondent.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. The property comprised in S.No.548/1 measuring 2.181/2 acres in patta number 4405 situated at Ma.Sundhanendhal Village, Kamudhakudi Group, Paramakudi Taluk, Ramanathapuram District, was owned by the petitioner and Suseela jointly. They are cultivating the subject land for years together and as such, they are entitled to ryotwari



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patta under Tamil Nadu Inam Abolition Act. That apart, other adjacent lands were also similarly cultivated by various persons. However, the revenue records stood in the name of the second respondent after settlement. But possession of the subject properties were retained by the respective cultivators continuously without interruption. Therefore, they had filed an appeal against the order of the Settlement Officer before Inam Abolition Tribunal (Sub Judge), Sivagangai, in Revenue Settlement Appeal No.1 of 1996, in which the second respondent was also a party.

4. The Tribunal, by its order dated 28.10.1997 set aside the order of the Settlement Officer and directed to issue ryotwari patta to all the appellants, including the petitioner and Suseela. Thereafter, they had not taken any steps to issue patta in their favour in respect of their respective lands as per the order passed by the Tribunal dated 28.10.1997.

5. The said Suseela filed a writ petition before this Court in WP(MD)No.18965 of 2019 for a direction for issuance of patta for the subject land. Pending writ petition, She was assured that she will be issued patta and therefore, that writ petition was withdrawn by the said



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Suseela. Subsequently, she was issued with patta on 11.01.2024. therefore, the petitioner and Suseela had title over the property and executed a sale deed in favour of one S.Schwartz Durai, in respect of the subject property on 24.01.2024.

6. However, on receipt of the sale deed, the first respondent kept the sale deed as pending document in pending document No.2 of 2024 and sent notice to the revenue authorities to verify the genuineness of patta, which was issued in favour of Suseela. It was verified by the Thasildar, Paramakudi, on 16.02.2014 and certified that patta is genuine. But, the second respondent raised objections for registration.

7. The learned counsel appearing for the second respondent would submit that the subject land belongs to the second respondent and as against issuance of patta, the second respondent filed an appeal before the Sub Collector, Paramakudi, and it is pending and hence, pending appeal, no document can be registered in respect of the subject property.



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8. Admittedly, no appeal has been preferred against the order dated 28.10.1997 passed by the Inam Abolition Tribunal (Sub Judge), Sivagangai, in Revenue Settlement Appeal No.1 of 1996. Infact, the second respondent is also a party to the said appeal filed by the said Suseela. The subject property jointly owned by Senthilnathan and Suseela. Therefore, in order to relinquish the right of the petitioner, he had executed a release deed in favour of the said Suseela. It was also presented for registration and the same is kept pending as pending document. Therefore, title in respect of the subject property is clear and is in favour of the said Suseela.

9. The second respondent merely submitted objections without any documents to show that the second respondent is the owner of the subject property. That apart, mere pendency of the appeal as against issuance of patta would not confer any title over the property in favour of the second respondent. Therefore, there is absolutely no legal impediment for the first respondent to register and release the document, which was presented for registration.



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10. In view of the above, the first respondent is directed to register the sale deed dated 24.01.2024 and release deed dated 25.01.2024 and release the same forth with. This writ petition is allowed accordingly. However, if there is any title dispute over the subject property, the second respondent is at liberty to approach the civil Court for appropriate relief. No costs.

Index : Yes / No
NCC : Yes / No
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TO:-

- 1.The Sub Registrar,
Paramakudi,
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G.K.ILANTHIRAIYAN, J.

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Order made in
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(2/2)

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