



W.P.(MD)No.5688 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.5688 of 2023
and W.M.P.(MD)No.5293 of 2023

K.Pandiyan

... Petitioner

Vs.

1.The District Collector,
Theni District

2.The Thasildar,
Periyakulam Taluk Office,
Periyakulam,

3.The Sub Registrar,
Theni.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to refusal check slip dated 06.03.2023 of the 3rd respondent herein, quash the same and consequently direct the 3rd respondent to register the documents in respect of the lands in Survey No. 1232 of Vadaveeranayakkanpatti Village, Periyakulam Taluk, Theni District.



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For Petitioner : Mr.C.Mahadevan
For Respondents : Mr.C.Satheesh,
Govt. Advocate.

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to refusal check slip dated 06.03.2023 of the 3rd respondent herein, quash the same and consequently direct the 3rd respondent to register the documents in respect of the lands in Survey No.1232 of Vadaveeranayakkanpatti Village, Periyakulam Taluk, Theni District.

2. It is the grievance of the Writ Petitioner that when the petitioner presented a sale deed for registration, the third respondent refused to register the same on the ground that in the government portal, the subject property has been shown as Government land and directed the petitioner to produce the patta. Challenging the same, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the title of the petitioner's predecessor has already been decided by the civil Court in



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O.S.Nos.325 of 2000 etc., batch, wherein the Government was also a party. The matter reached finality and went upto the second appeal before this Court in S.A. (MD)Nos.1121 of 2011 etc., batch and this Court dismissed the Second Appeals filed by the Government. When the issue has already been reached finality, merely on the basis of some entries, which have not been corrected by the Government, the document cannot be refused to be registered. Hence, the impugned order is liable to be set aside.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. As far as S.No.1232 is concerned, it was the subject matter of the suit in O.S.Nos.325 of 2000 etc., batch, wherein declaration has been granted in favour of the petitioner's predecessor. Challenging the same, the Government of Tamil Nadu has filed appeals, which were also dismissed by the first appellate Court. As against the same, the Government has filed second appeals before this Court and this Court dismissed the second appeals. Such view of the matter, the refusal slip issued by the third respondent cannot be sustained in the eye of law.



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6. Accordingly, the impugned refusal slip issued by the third respondent dated 06.03.2023 is quashed and the Writ Petition is allowed. The third respondent is directed to register the sale deed presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

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