



W.P(MD)No.12052 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12052 of 2024

and

W.M.P.(MD)No.10730 of 2024

Sivamuthu

... Petitioner

Vs.

The Sub Registrar,
Kunnoor,
Virudhunagar District.

... Respondent

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 pertaining to the impugned Refusal Check Slip dated 06.05.2024 in RFL/Kunnoor-Virudhunagar/3/2024 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the Sale deed dated 06.05.2024 executed by the petitioner in favour of one Murugan on representation if otherwise in order, within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.A.Mohan

For Respondent : Mrs.D.Farjana Ghoushia
Special Government Pleader



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ORDER

Heard both sides.

2. The petitioner wants to sell the petition mentioned item in favour of the purchaser. The sale deed was presented for registration. Registration was refused. Challenging the same, the present writ petition came to be filed.

3. Admittedly, patta stands in the name of the petitioner's mother. The petitioner is relying on an un-registered Will. Of-course, Will does not require registration. But then, the registering authority is justified in taking the stand that without change of patta, the document cannot be registered. The petitioner is therefore permitted to approach the concerned revenue authority and get patta change in his favour. The revenue authority shall issue notice to all the other legal heirs. If the genuineness of the Will is contested, then obviously the petitioner has to establish his case only before the jurisdictional civil Court. If there is no objection from the other legal heirs, then there can be mutation of patta in favour of the petitioner. After such mutation is effected, the petitioner can re-present the document in question and thereafter, it can be registered.



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4. With this liberty to the petitioner to approach the authority concerned for mutation of patta and thereafter, re-present the document in question, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Kunnoor,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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