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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 01.08.2024

Pronounced on : 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.13031 of 2024

R.Balaiya

... Petitioner

Vs.

1.The Sub Registrar,
Registration Department,
Nanguneri Sub Registrar Office,
Nanguneri, Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 1st respondent and to quash the Refusal Check Slip in RFL/Nanguneri/17/2024 dated 07.06.2024 of the 1st respondent with the consequential relief of directing the 1st respondent to register the Gift Settlement Deed dated 07.06.2024 presented by the petitioner.



For Petitioner : Mr.Mohammed Sherbudeen M
For Respondents : Mrs.D.Farzana Ghoushia,
Special Government Pleader

ORDER

Heard both sides.

2.The petitioner executed the petition mentioned settlement deed in favour of his son and presented the same for registration. The first respondent issued the impugned refusal check slip refusing registration. Challenging the same, this writ petition came to be filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4.The learned Special Government Pleader appearing for the respondents submitted that the impugned refusal check slip was rightly issued and that it does not warrant any interference.



5. I carefully considered the rival contentions and went through the materials on record. The impugned refusal check slip reads that in the revenue records, the petition mentioned land has been classified as government poramboke and that the petitioner is at liberty to resubmit the document after obtaining patta from the jurisdictional Tahsildar. It is further seen that the petition mentioned site was assigned in favour of the petitioner as early as on 16.07.2007. Copy of the assignment order has been enclosed in the typed set of papers.

6. The case of the petitioner is that the assignment of the house site was made to compensate the acquisition of the petitioner's property for INA Garudas project. As per the terms and conditions of the assignment, the assignee cannot alienate the property within ten years. Admittedly, the said period is over. The petitioner is executing only a settlement deed. Once the assignment had been made in favour of the petitioner, consequential changes must have been made in the relevant revenue records. Failure to do so is a mistake on the part of the department. The registration department and the revenue department may be different departments. But they are parts of a single entity, namely, State government. The authorities cannot take advantage of their own wrong. I am more than satisfied that the petitioner is dealing with a



property assigned in his favour. Even the impugned order reads that the petitioner may re-submit the document after getting patta from the jurisdictional Tahsildar. Merely because the petitioner is not having patta, it cannot be a ground for refusing registration. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. It shall be received, registered and released subject to the fulfilment of the other usual formalities.

7.This writ petition is allowed. No costs.

13.08.2024

skm

To

1.The Sub Registrar, Registration Department,
Nanguneri Sub Registrar Office,
Nanguneri, Tirunelveli District.

2.The Tahsildar, Nanguneri Taluk, Nanguneri, Tirunelveli District.



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G.R.SWAMINATHAN, J.

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