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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21138 of 2018

Chandrasekararaja ... Petitioner

Vs.,

The Sub Registrar,
Nanguneri Sub-Registrar Office,
Registration Department,
Nanguneri, Tirunelveli District. ... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent herein to register the rectification deed in TP/9138539/2018 dated 19.04.2018 executed in favour of the petitioner in order to rectify the Survey Numbers in the Sale Deed registered as document No. 72/2018 dated 25.01.2018 in favour of the petitioner and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.M.Siddarthan
Additional Government Pleader

ORDER

The writ petition has been filed for issuance of writ of mandamus directing the respondent herein to register the rectification deed in

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TP/9138539/2018 dated 19.04.2018 executed in favour of the petitioner in order to rectify the Survey Numbers in the Sale Deed registered as document No.72/2018 dated 25.01.2018 in favour of the petitioner and for other reliefs.

2. The case of the petitioner is that he purchased the property to an extent of 10 cents in Survey Nos.686/3G2 and 686/4A2. However, while registering the document, the Survey Numbers have been erroneously typed as 686/H2, 686/3G1B, instead of Survey Nos.686/3G2 and 686/4A2. After realizing the mistake, he has approached the vendor. Thereafter, the rectification deed has been presented for registration. But, the same has not been registered. Hence, he seeks a direction of this Court.

3. According to the petitioner, the subject property has been developed as plots by the promoter long back and the revenue records stood in the name of original owner for more than 50 years. Several documents have already been registered in respect of subject property. Only when the rectification deed sought to be registered, the same has been refused.

4. The learned Additional Government Pleader appearing for the respondent filed a counter affidavit to the effect that the land in Survey No.

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686/4A1, 4A, 4B not only the above survey numbers more than 85 survey numbers comes under the category of Panjami. In this regard, the Principal Secretary in his proceedings in Na.Ka.No.20764/F1/2015 dated 26.05.2017 by following the Government Letter No.4952/LA2(2)/2017-1 dated 15.05.2017 directed the Registrar not to register the document with regard to more than 85 survey numbers, since the land assigned as Panjami land, which is reserved for Schedule Caste and Schedule Tribes.

5. Heard both sides.

6. It is not that new survey number has been added or extent has been included in the rectification deed, what was sought to be rectified that only the survey number, which is already registered. Therefore, merely on the basis of some letter, now the rectification deed, which was presented immediately after the registration of the original deed, cannot be refused. If at all the subject land is Panjami Land, it is the risk of the petitioner.

7. At the outset, as the document has already been registered in respect of the subject property and several transactions already took place, now citing the communication of the Principal Secretary, the right of the petitioner cannot be

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non-suited. Hence, the respondent is directed to register the petition mentioned rectification deed within a weeks from the date of receipt of a copy of this order.

No costs.

08.08.2024

NCC : Yes/No
Index : Yes/No
Rmk

To
The Sub Registrar,
Nanguneri Sub-Registrar Office,
Registration Department,
Nanguneri, Tirunelveli District.

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N.SATHISH KUMAR, J.

Rmk

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