



W.P.(MD)No.17984 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2024**

CORAM:

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

W.P.(MD)No.17984 of 2022

R.Kalanthar Sahin

... Petitioner

/Vs./

1.The Sub-Registrar,
Thondi Registrar Office,
Thondi,
Ramanathapuram District.

2.The Joint Commissioner/Administrator,
Arulmigu Ramanathasamy Thirukovil,
Rameswaram,
Ramanathapuram District.

(R2 is impleaded vide Court order
dated 09.09.2024 in

W.M.P(MD)No.17426 of 2024)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip vide refusal No.RFL/தொண்டி/18/2022, dated 10.06.2022 issued by the first



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respondent and quash the same and consequently direct the respondent to register the rectification deed, dated 09.06.2022 related to the corrections of the four boundaries which were wrongly mentioned presented by the petitioner in respect of the subject properties of the petitioner in Survey No.51/12 to the extent of 52 cents in Patta No.278 situated at Nambuthalai Village, Thiruvadanai Taluk, Thondi Sub-Division, Ramanathapuram Registration District.

For Petitioner : Mr.R.Babu Jaganath

For Respondents : Mr.S.P.Maharajan

Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent thereby refused to register the rectification deed dated 09.06.2022, which was presented for registration, on the ground that the second respondent made an objections to register the rectification deed.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The properties comprised in Survey No.51/12 to an extent of 52 cents situated at Nambuthalai Village, Thiruvadanai Taluk, Ramanathapuram District was purchased by the petitioner and one Fatima Quriasin from one Navaskhan by the registered sale deed, dated 01.10.2010 registered vide document No.2439/2010. However, the boundaries of the subject property differs and as such, his vendor and the petitioner preferred a rectification deed, dated 09.06.2022 and presented before the first respondent for registration. While pending registration, the second respondent made an objections on 30.03.2022 related to the subject property. Therefore, the first respondent refused to register the rectification deed and issued refusal check slip.

4. The learned counsel for the petitioner would submit that from the date of purchase, the petitioner is in possession and enjoyment of the subject land. In the year 2022, the second respondent interfered with the possession and enjoyment of the petitioner and as such, the petitioner



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was constrained to file a suit in O.S.55 of 2022 as against the second respondent on the file of the District Munsif Court, Thiruvadanai for bare injunction in respect of the subject property and it is pending. The document which was presented before the first respondent is only rectification deed. Already sale deed was registered in favour of the petitioner and she is in possession and enjoyment of the subject property. If at all any title dispute, the second respondent ought to have file a suit in respect of the subject property, but the second respondent did not file any suit claiming over the property, he simply made an objections in writing that too, without any production of documents to show that the title over the subject property stands in the name of the second respondent.

5. The learned Special Government Pleader appearing for the respondents would submit that on receipt of the objections from the second respondent, the first respondent refused to register the rectification deed and issued refusal check slip. Further in the 'A' register shows that the subject land stands in the name of the second respondent.



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6. It is seen from the records that the second respondent failed to produce any documents to show that the subject property stands in the name of the temple. In fact after the purchase of the subject property, the petitioner was issued with patta and the petitioner is in possession and enjoyment of the property. That apart, suit is also pending for bare injunction as against the second respondent. Though notice was served on the second respondent, no one appeared today before this Court either through pleader or through person.

7. In view of the above, this Court finds infirmity in the order passed by the first respondent, dated 10.06.2022 and it cannot be sustained and liable to be quashed.

8. Accordingly, the order of the first respondent dated 10.06.2022 is quashed and the writ petition is allowed. The first respondent is directed to issue notice to the petitioner as well as the second respondent and after giving an opportunity of hearing to both parties pass orders on the objections raised by the second respondent within a period of one week from the date of receipt of a copy of this order and to register the



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rectification deed presented by the petitioner and their vendor for registration and release the document within a period of one week thereafter. No costs.

05.11.2024

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

- 1.The Sub-Registrar,
Thondi Registrar Office,
Thondi, Ramanathapuram District.
- 2.The Joint Commissioner/Administrator,
Arulmigu Ramanathasamy Thirukovil,
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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.17984 of 2022

Dated:
05.11.2024