



W.P(MD)No.18534 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.18534 of 2024

and

W.M.P(MD)No.15746 of 2024

K.Palanisamy

... Petitioner

Vs

1.The District Revenue Officer,
Tenkasi District,
Tenkasi.

2.The Sub-Registrar,
Sankarankovil Sub-Registrar Office,
Sankarankovil,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned refusal check slip in Refusal Number:RFL/Sankarankovil/48/2024 dated 18.07.2024 of the second respondent and to quash the same as unsustainable and consequently to direct the second respondent to register the rectification deed in respect of the land in Survey No.794/8C situated in A.Karisalkulam Village, Thiruvengadam Taluk, Tenkasi District.

For Petitioner : Mr.S.Jeyakarthish

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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deed, item No.11 of the second schedule property was wrongly stated as 794/8B instead of 8C. In the year 2021, the petitioner came to understand about the wrong mentioning of the survey number since the property comprised in Survey No.794/8B belongs to some other person. However, the property comprised in Survey No.794/8C is in possession and enjoyment of the property. Therefore, the proceeding was initiated before the first respondent for rectifying the entry of the patta in respect of the property comprised in Survey No.794/8C instead of 8B. The first respondent conducted an enquiry and by order dated 05.06.2024 concluded that Survey No.794/8C is the correct one and in the partition deed wrongly stated as 794/8B. Accordingly, the first respondent directed to mutate the revenue records in favour of the petitioner and simultaneously directed the petitioner to submit a rectification deed to rectify the mistake in the partition deed. Both the legal heirs of the partition deed consented for rectification and submitted a rectification deed to rectify the partition deed dated 30.05.1962. Further, there is no rival claim in respect of the property comprised in Survey No.794/8C. That apart, already the first respondent conducted an enquiry and concluded that the property comprised in Survey No.794/8C belongs to the petitioner as per the partition deed dated 30.05.1962. Therefore, no title document stands in the



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name of the petitioner's father in respect of the property comprised in Survey No.794/8B.

4.The learned counsel appearing for the petitioner relied on the order passed by this Court in **W.P.No.10055 of 2022, dated 25.04.2022 [A.Krishnan Vs. The Inspector General of Registration and others]** wherein it is held as follows:

'7. Considering the facts and circumstances of the case, this Court is of the view that the issue arises in the present case is covered by the decision of this Court in W.P. (MD)No.19745 of 2020, order dated 11.02.2021. Admittedly, the petitioner claims that his mother had purchased the property from Sri.T.S.Rajagopalan through two registered sale deeds vide Document Nos.1080 of 1982 dated 31.03.1982 and 2488 of 1982 dated 17.07.1982 respectively. The petitioner has not produced the parent document, however, he has produced the copy of the parent document. Therefore, the certified copy of the parent document is sufficient to entertain the document for registration. Mere non-production of Patta will not deprive the rights to the petitioner for registration of partition deed. In the present case, the petitioner has produced the copy of the parent document and Non Traceable Certificate. However, the second respondent refused to register the partition deed, on the ground that the revenue records were not mutated, which is not sustainable one. Hence, the second respondent is directed to entertain the document presented by the petitioner and upon perusing the



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*copy of the parent document and Non Traceable Certificate
produced by the petitioner. '*

5.In view of the above, the refusal check slip issued by the second respondent dated 18.07.2024 cannot be sustained and the same is liable to be quashed.

6.Accordingly, the refusal check slip issued by the second respondent dated 18.07.2024 is quashed and this Writ Petition is allowed. The petitioner is directed to represent the rectification deed before the second respondent and on receipt of the same, the second respondent is directed to register and release the same forthwith. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

29.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The District Revenue Officer,
Tenkasi District,
Tenkasi.
- 2.The Sub-Registrar,
Sankarankovil Sub-Registrar Office,
Sankarankovil,
Tenkasi District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.18534 of 2024

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