



W.P.(MD)No.24505 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2024**

CORAM:

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

W.P.(MD)No.24505 of 2024

Durai Chakravarty

... Petitioner

/Vs./

1.The District Registrar,
District Registrar Office,
Pudukkottai District.

2.The Sub Registrar,
Sub Registration Office,
Perungalur and Taluk,
Pudukkottai District.

3.The Special Officer,
Kalai Magal Sabha,
17/48, North Usman Road,
T.Nagar, Chennai - 17.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to register the lease deed dated 05.04.2024 executed by the petitioner in favour of Sathishkumar, son of Suryamoorthy within the stipulated time.



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For Petitioner : Mr.K.Balasundaram
Senior Counsel
for KBS Law Office

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

ORDER

This writ petition has been filed for a direction to the 2nd respondent to register the lease deed dated 05.04.2024 executed by the petitioner.

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

3. The property comprised in S.No.290/2 at Themmavur Village, Kulathur Taluk, Pudukkottai District, measuring to an extent of 4.45 hectares belongs to the petitioner's grandfather. He was also issued patta. He had executed inam settlement deed dated 06.06.2022 in favour of the petitioner. The settlement deed was presented for registration before the



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second respondent and the same was returned on the ground that the subject property belongs to Kalaimagal Sabha and it cannot be registered. Therefore, the petitioner's grandfather approached this Court in WP(MD)No.8140 of 2022 seeking for a direction to the registering authority to register the settlement deed. This Court, by order dated 26.04.2022 quashed the refusal check slip issued by the registering authority and accordingly, the settlement deed was registered in Doc.No. 1298/22. The petitioner made a request before the second respondent to make a request before the third respondent for issuance of No Objection Certificate for registering the sale deed in respect of the subject property. On such request, the second respondent sent a communication dated 20.08.2024 before the third respondent for issuance of No Objection Certificate and it is pending. In the meanwhile, the petitioner had executed lease deed in favour of third party and presented the same for registration.

4. On perusal of the lease deed, it is seen that the lease deed does not contain the signature of the lessee as well as the witnesses. That apart, there is no evidence to show that the lease deed was presented for



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registration before the second respondent. However, the petitioner is now intended to execute the lease deed in favour of third party in respect of the subject property. As stated supra, the settlement deed was already registered in favour of the petitioner as directed by this Court and he has title over the subject property and he has also right to lease out the subject property as well.

5. In view of the above, the second respondent is directed to register the lease deed presented for registration in respect of the subject property without insisting upon No Objection Certificate from the third respondent. With this direction, the Writ Petition stands disposed of. There shall be no order as to costs.

07.11.2024

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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Order made in
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