



WEB COPY



W.P(MD)No.25234 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.25234 of 2024

and

W.M.P.(MD)No.21428 of 2024

1.Natesan
2.Jawaharlal Nehru
3.Jeyakanthan

... Petitioners

Vs.

The Sub Registrar,
Theni, Theni District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent herein in his proceedings in Refusal Check Slip in RFL/Theni/18/2024, dated 04.10.2024 and quash the same and consequently, to direct the respondent herein to register the gift deed dated 24.09.2024 presented by the petitioners in respect of the property in S.No.2190/2A to an extent of 532.25 sq.meter in Vadaveeranaickanpatti Village, Periyakulam Taluk, Theni District.

For Petitioners : Mr.P.Sivachandran

For Respondent : Mr.C.Satheesh,

Government Advocate



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ORDER

By consent of both sides, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioners that when they presented a gift deed in favour of Hon'ble Governor of Tamil Nadu, the respondent, vide refusal check slip dated 04.10.2024, has refused to register the same, stating that in the guideline register, the document has been shown as Panchamar lands and there is no reply from the Tahsildar, Periyakulam as to the genuineness of the patta and no objection certificate in this regard. Challenging the same, the petitioners have filed this Writ Petition.

3.The learned counsel appearing for the petitioners would submit that the subject property is not a panchamar land, which has already been decided in a suit filed by the petitioners in O.S.No.93/2011. In the said suit, the District Collector was made as a party.

4.Heard the learned counsel on either side and perused the materials available on record.



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5.It is seen that with regard to dispute between the petitioners and one Murugesan and three others, who have claimed title to the subject property, a suit has been filed in O.S.No.93/2011, including the District Collector as one of the party. Even in the judgment and decree passed in O.S.No.242/1997, it is clearly held that the land in S.No.2190/2 was originally assigned to Kaman Madhari for his services rendered in defence and the land is not panchamar land. A copy of the judgment has also been placed in the subsequent suit filed in O.S.No.93/2011. When the civil Court has already decided that the land in question is not the panchamar land, merely on the basis of the entry in the guideline register, the document cannot be refused to be registered.

6.In such view of the matter, the impugned order of the respondent is quashed and this Writ Petition is allowed with a direction to the respondent to register the document presented by the petitioners within a period of fifteen days from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

23.10.2024
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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J

Yuva

To
The Sub Registrar,
Theni, Theni District.

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