



**WP(MD). No.25013 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**Date : 22/10/2024**

**CORAM**

**The Hon`ble Mr.Justice N.SATHISH KUMAR**

**WP(MD). No.25013 of 2024 and  
WMP(MD) No.21312 of 2024**

1. Natesan,

2. Jawaharlal Nehru,

3. Jeyakanthan,

... Petitioners

**Vs**

1. 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 relating to the impugned order of the respondent herein in his proceedings in Refusal Check Slip in RFL/Theni/19/2024,



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dated 04.10.2024, and quash the same and consequently 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 25.79 square meter in Vadaveeranaickanpatti Village, Periyakulam Taluk, Theni District.

For Petitioners : Mr.P.Sivachandran  
For Respondents : Mr.C.Satheesh for R1  
Government Advocate

### **ORDER**

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed challenging the refusal check slip dated 04.10.2024, and to direct the 1<sup>st</sup> 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 25.79 square meter in Vadaveeranaickanpatti Village, Periyakulam Taluk, Theni District.



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3. The petitioners presented a gift deed in favour of TANGEDCO, the same has been refused to be registered citing that in the guideline register, the land has been shown as Panchamar lands and hence, the petitioners were directed to obtain no objection certificate from the competent authority in this regard.

4. The learned counsel 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 OS No.93/2011. In the said suit, the District Collector was made as a party.

5. I have considered the rival submissions and perused the materials available on record.

6. 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 that has been filed in OS No.93/2011 by including the District Collector as one of the party. Even in a judgment and decree has been passed in OS No.242/1997, it is clearly held that S.No.2190/2 was



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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 OS No.93/2011. When the civil Court has already decided that the land in question is not panchamar lands, merely on the basis of the entry in the guideline register, the same cannot be refused to be registered.

7. In view of the above, the writ petition is allowed and the respondent is directed to register the document 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.

**22.10.2024**

**RR**

TO  
1. The Sub Registrar,  
Theni,  
Theni District..



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**N.SATHISH KUMAR,J**

**RR**

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