



W.P.(MD)No.28615 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.11.2024**

CORAM:

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

W.P.(MD)No.28615 of 2024

S.Bagavathi

... Petitioner

/Vs./

1. The District Registrar
District Registrar Office,
Tenkasi.

2. The Sub Registrar
No.1 Joint Sub Registrar Office,
Tenkasi, Tenkasi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to accept and register the daft sale deed present by the petitioner pertains to Grama Natham land in S.No.246/9 by considering the petitioner's representation dated 18.10.2024 and release the same within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.S.P.Maharajan

Special Government Pleader



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ORDER

This Writ Petition has been filed for direction, directing the respondents to accept and register the sale deed in respect of the property classified as “Grama Natham land” comprised in S.No.246/9 by considering the petitioner's representation dated 18.10.2024

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

3. The property, in S.No.246/9 to extent of 196 sq.meter, situated at Vallam Village, Shenkottai Taluk, Tenkasi District, originally belonged to one Chellaiah and he constructed house and assessed the house tax and water tax and he also obtained electricity service connection. After his demise, it was devolved upon his wife, viz., Gomathi. In turn, she executed settlement deed in favour of her daughter, viz., Rajammal vide document No.976/2012 dated 18.05.2012. In turn, the said Rajammal executed a settlement deed in favour her husband, viz. Esakkimuthu vide Document No.1941/2022. Thereafter, all the revenue records were



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mutated in favour of her husband. In turn, the said Esakkimuthu now sold the subject property in favour of the petitioner and presented the sale deed for registration. However, the second respondent refused to receive the sale deed, since the subject property is classified as “Grama Natham”.

4. This issue already deal with by this Court in W.P.No.2023 of 2020, dated 29.07.2020 and held as follows:

“5. In a case of similar nature, this Court passed an order in W.P.No.14682 of 2016 dated 21.04.2016. The relevant portion in the order is extracted hereunder:

“(2.1) The case of the petitioner is that he is the absolute owner of the properties mentioned above and they are the Gramanatham house sites.

(2.2) According to him, the gramanatham property is not a property of the Government and it cannot be classified as Government property. A poor villager, who is residing in Gramanatham sites for quite a long time, acquires right, title and interest over the same. The question of grant of patta in Gramanatham property does not arise at all, as the Government has no control or jurisdiction over the said property.



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(2.3) The petitioner has been in possession and enjoyment of the property in question for more than six decades in Gramanatham house sites. The petitioner has also paid the property tax.

(2.4) The petitioner executed a Settlement Deed on 15.4.2016, settling the property in favour of his wife and two sons. When the petitioner has approached the respondent for registration of the same, it was returned by the respondent for extraneous consideration. According to him, such documents are being registered continuously by the registration department and the petitioner alone is singled out and discriminated.

(2.5) In similar circumstances in respect of a Gramanatham property, this Court in Writ Petition No.16521 of 2015 vide order dated 1.9.2015 directed the concerned Sub Registrar to receive and register the settlement deed executed by the petitioner therein.

(2.6) Even after production of the said order, the respondent has not registered his document, but directed him to produce a similar order from this Court. Hence, having no other option, the petitioner has come up with this writ petition.



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3.Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, appearing on behalf of the respondent.

4.A perusal of the affidavit filed in support of the writ petition indicates that the petitioner executed a Settlement Deed dated 15.4.2016 in favour of his wife and two sons, but the said document was not registered. The respondent refused to receive and register the document.

5.When the matter was taken up for consideration, it is brought to my knowledge that in similar circumstances, this Court passed an order in W.P.No.16521 of 2014 dated 1.9.2015 on the following lines:

“2. The law is quite settled that the gramanatham is not a Government poromboke land. The certificate issued by the V.A.O.shows that house has been constructed over the said land. what the petitioner has conveyed is a settlement by him to his son. The respondent cannot delve much into the title as a mere registration will not give such status.



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3. *In view of the same, this writ petition is allowed and the respondent is directed to receive and register the document to be produced by the petitioner subject to the payment of requisite stamp duty. No costs.*“

6. *Therefore, in my considered opinion, if the properties mentioned in the schedule of the Settlement Deed dated 15.4.2016 executed by the petitioner are found to be Gramanatham properties, the respondent is duty bound to receive and register the same. Hence, the respondent is directed to receive the document, viz., settlement deed dated 15.04.2016 presented by him in respect of the properties in Natham S No.1351/ 1B ~ out of 2.05.0 hectare 304 sq.mts (2,276 Sq.ft), Door No.2/74, Uthukattamman Koil Street, Chinnama Nagar, Thaiyur B Village, Tiruporur Taluk , Kanchipuram District and register the same, if the same are found to be Gramanatham properties, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.*“

6. *The above order will also squarely apply to the facts of the present case.*



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7. In view of the above, this Court has no hesitation to interfere with the refusal slip and accordingly the same is quashed. The respondent is directed to receive the settlement deed from the petitioner and register the same, if it is otherwise in order and thereafter, release the document to the petitioner. It goes without saying that the petitioner shall pay the necessary stamp duty and registration charges.

The above order will squarely apply to the present facts of the case. Hence, there shall be a direction to the respondent to register the settlement deed dated 30.09.2020, if it is otherwise in order and subject to the petitioner paying the necessary stamp duty and registration fee, if any. The document shall be immediately released to the petitioner after it is registered.”

5. Therefore, the subject property can be very well registered by the registering authority. That apart, on instructions by the learned Special Government Pleader, revealed that the subject property is valued



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at the rate of Rs.3,230/- per sq.meter, as per the guideline value.

Therefore, if any sale deed produced, it can be registered in the manner known to law.

6. In view of the above, the second respondent is directed to register the sale deed, in respect of the property in S.No.246/9 to extent of 196 sq.meter, situated at Vallam Village, Shenkottai Taluk, Tenkasi District presented by the petitioner for registration and release the same.

7. With the above direction, this Writ Petition is disposed of.
No costs.

29.11.2024

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

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District Registrar Office,
Tenkasi.
2. The Sub Registrar
No.1 Joint Sub Registrar Office,
Tenkasi,
Tenkasi District.



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.28615 of 2024

Dated:
29.11.2024