



W.P (MD).No.30042 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.12.2024

CORAM

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

W.P (MD).No.30042 of 2024

1.Muthupandi

2.Jeba

... Petitioner

Vs.

1.The District Registrar,
Tirunelveli,
Tirunelveli District.

2.The Sub-Registrar,
Vallioor,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip in Refusal Number RFL/Valliyoor/32/2024 dated 26.06.2024 issued by the second respondent and consequential order in No. 3728/AA1/2024 dated 11.11.2024 passed by the first respondent and quash the same and also direct the second respondent to register the sale deed dated 19.06.2024 relating to the land in Survey No.20/16 measuring to an extent of 0.10.0 Hectare equal to 24.70 cent in which undivided 1/6 share to an extent of 4 cents situated at Aalankinar Thirumalapuram, Valliyammalpuram, Radhapuram Taluk, Tirunelveli District.



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For Petitioner : Mr.V.Sukumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent, dated 11.11.2024, thereby refused to register the sale deed, dated 19.06.2024.

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

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

4. The property comprised in Survey No.20/16 admeasuring to an extent of 0.10.00 hectare situated at Aalankinar Thirumalapuram, Valliyammalpuram, Radhapuram Taluk, Tirunelveli District belongs to the first petitioner's father and 5 others. He was issued with joint patta in patta No.728. He died leaving behind the first petitioner and other children as his legal heirs. The legal heirs decided to sell their share in the subject land to an extent of 4



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cents i.e., 1/6 th share in favour of the second petitioner and had executed the sale deed dated 19.06.2024 and it was presented before the second respondent for registration. The second respondent refused to register the sale deed on the ground that joint patta did not contain the individual share in the total extent of the property admeasuring 0.10.00 hectares.

5. The learned counsel appearing for the petitioner would submit that the joint patta was issued in the name of 6 persons and all are having equal shares in the total extent of the land i.e., 4 cents as 1/6th share. Accordingly, the legal heir of the deceased Nainar had executed the sale deed in favour of the second petitioner herein. The order impugned itself is self explanatory in nature. Admittedly, the first petitioner's father was issued with joint patta No. 728 for the subject land comprised in S.No.20.16 to an extent of 0.10.00 hectares and it was not sub-divided till the first petitioner's father alive. The subject property stands in the name of the 6 persons, namely, Chellaiah, Kavalamuthu, Nainar S/o.Pallikonda Perumal, Nainar S/o.Aathi Narayanan, Kumaraiah and Velu Nadar. Therefore, the patta No.728 is not the joint patta for the subject property and separate patta was issued in the name of 6 persons, who owned the subject land. Therefore, it cannot be said as joint patta, in which, the first petitioner's father entitled to the share of 1/6th i.e., 4 cents.



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Therefore, only after the sub-division, individual share of the pattadhars can be recognized and thereafter, they can deal with their respective shares.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent and this writ petition is devoid of merits and it is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

13.12.2024

To

1.The District Registrar,
Tirunelveli,
Tirunelveli District.

2.The Sub-Registrar,
Vallioor,
Tirunelveli District.



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G.K.ILANTHIRAIYAN, J.

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