



W.P.(MD)No.30763 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.12.2024**

CORAM:

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

W.P.(MD)No.30763 of 2024

and

W.M.P.(MD)No.25825 of 2024

J.Suresh

... Petitioner

/Vs./

1. The Deputy Inspector General Of Registration,
Tirunelveli, Tirunelveli District.
2. The District Registrar,
Palayamkottai,
Tirunelveli District.
3. The Sub Registrar,
Kayathar,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the 3rd Respondent's refusal check slip number in RFL/Kayathar/23/2024 dated 12.11.2024 and quash the same as illegal and consequently direct the 3rd Respondent to register the lease deed submitted by the Petitioner pertaining to Survey No.1116 for an extent of



W.P.(MD)No.30763 of 2024

3 acres 46.5 cents north Eastern side of the total extent of 3 acres 97 cents situated at Ayyanaruthu Village, Kayathar Taluk, Thoothukudi District by considering the representation given by the Petitioner dated 14.11.2024 and on the basis of the earlier Sale deed and release deed of the vendor of the petitioner.

For Petitioner : Mr.V.Thirumal

For Respondents : Mr.M.Sarangan

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the third respondent thereby refused to register the lease deed which was presented for registration in respect of the property in Survey No.1116 measuring to an extent of 3 acres 46.5 cents north Eastern side of the total extent of 3 acres 97 cents situated at Ayyanaruthu Village, Kayathar Taluk, Thoothukudi District.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.



W.P.(MD)No.30763 of 2024

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3. The subject property was purchased by the petitioner's vendor from one Sivanperumal for a valid sale consideration vide document No. 1991/24. The said property has been now subjected for lease in favour of the petitioner and the petitioner presented the lease deed for registration. However, the third respondent refused to register the same on the ground that patta was issued in favour of third persons as joint patta for the subject property. Therefore, without demarcating the subject property among the joint pattadhars, the lease deed cannot be registered.

4. A perusal of the records reveal that the petitioner's lessor is also one of the joint pattadhars. Another pattadhar, namely, Subbuthevar and his legal heirs executed a sale deed in favour of the petitioner's lessor, namely, Murugan and the property is now subjected to lease deed. Therefore, there is no impediment to register the lease deed, which was presented by the petitioner in respect of the subject property.

5. In view of the above, the impugned refusal check slip dated 12.11.2024 issued by the third respondent is set aside and the third



W.P.(MD)No.30763 of 2024

respondent is directed to register the lease deed and hand over the same, if it is otherwise in order. It is made clear that if any objection is made by any other persons, the registering authority is directed to deal with the said issue.

6. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2024

Index : Yes / No
NCC : Yes / No
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W.P.(MD)No.30763 of 2024

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W.P.(MD)No.30763 of 2024

G.K.ILANTHIRAIYAN, J.

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Order made in
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Dated:
20.12.2024