



W.P.(MD)No.30871 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM:

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

W.P.(MD)No.30871 of 2024

Sheik Alaudeen

... Petitioner

/Vs./

1. The Sub Registrar,
Ayyampettai Sub Registrar Office,
Ayyampettai,
Thanjavur District.

2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip in Refusal Number. RFL/Ayyampettai/72/2024 dated 04.11.2024 issued by the respondent no. 1 and quash the same as illegal, consequently directing the respondent no.1 to register the Settlement Deed dated 29.10.2024 presented by the petitioner.



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For Petitioner : Mr.A.Abdulkabur
For Respondents : Mr.M.Sarangan (R1)
Additional Government Pleader
Mr.D.Gandhiraj (R2)
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the first respondent thereby refused to register the settlement deed dated 29.10.2024 on the ground that already an appeal is pending in respect of issuance of patta.

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

3. The petitioner had purchased a house property in Plot No.1A with an extent about 1527.5 sq.ft, in S.No.457/2, situated at Valuthoor Village, Papanasam Taluk, Thanjavur District. The said house plot was laid out in the total extent of 4 acres 24 cents in the name of Hameed Nagar. The entire property was issued with joint patta under patta number



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533. The petitioner's vendor had purchased the house plot by the registered sale deed vide Document No.1389 of 2010. Thereafter, he constructed a house and his name is also found in the patta No.533. After purchasing the said house from him by the petitioner, the petitioner intended to settle the property in favour of his brother by mentioning the joint patta No.533.

4. It is seen that the second respondent sent a communication dated 23.08.2021 to the first respondent stating that the patta No.533 is under challenge before the appellate authority. The second respondent also directed the revenue officials not to issue separate patta, since an appeal is already pending and the said communication is nothing to do with the first respondent. That apart, the petitioner's vendor's name is very much figured in the revenue records and also in the joint patta. Therefore, the first respondent ought not to have refused to register the settlement deed, which was presented for registration.

5. In view of the above, the impugned refusal check slip issued by the first respondent cannot be sustained and is liable to be quashed.



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Accordingly the impugned refusal check slip dated 04.11.2024 is hereby quashed. The petitioner is directed to represent the settlement deed for registration and on receipt of the same, the first respondent is directed to register and release the same within a period of one week thereafter, if it is otherwise in order.

6. With the above direction, this writ petition is allowed. No costs.

19.12.2024

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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