



Writ Petition No.9006 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9006 of 2025

1. R.Vijayan
S/o.Late.Rajappan

2. TIRUMALAI
S/o.Rajappan

3. MALATHI
D/o.Late.Rajappan

4. MALAR
D/o.Late.Rajappan

... Petitioners

Vs.

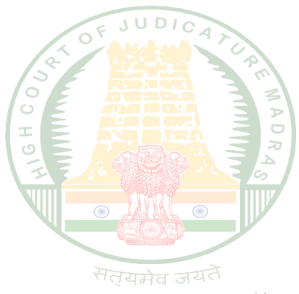
1. The District Collector
SALEM

2.The Sub Collector
Mettur, Salem District.

3.The District Registrar
District Register Office,
Salem District.

4.The Sub Registrar
Tharamangalam, Salem District.

... Respondent(s)



Writ Petition No.9006 of 2025

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to impugned refusal check slip in RFL/THARAMANGALAM/3/2025 dated 13.01.2025 on the file of the fourth respondent, quash the same and consequently direct the fourth respondent to register the partition deed dated 13.01.2025 within a stipulated period of time.

For Petitioners : Mr.R.Ezhilarasan

For Respondents : Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 13.01.2025 issued by the fourth respondent and for a consequential direction to the fourth respondent to register the partition deed dated 13.01.2025 within the time frame fixed by this Court.

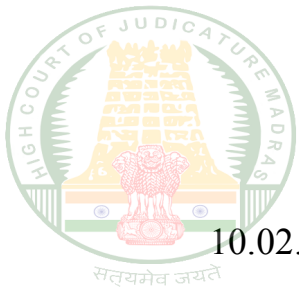
2. Heard Mr.R.Ezhilarasan, learned counsel for petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for respondents.



3. The fourth respondent has issued the refusal check slip mainly on the ground that the subject property has been classified as Government poramboke land and the value has been fixed at 0. That apart, a claim has been made by one Marakal and litigation is pending in this regard.

4. This Court carefully considered the submissions made on either side and the materials available on record.

5. It is seen from the materials placed before this Court that the property in Survey No.28/6 originally belonged to one Marakal, wife of Karuppa Gounder. She had secured a loan and since the same has not been repaid, the property was brought for auction sale. The Government itself had purchased the property. After the demise of Marakal, the entire loan amount was settled by the petitioners' father, who is the adopted son of Marakal. The husband of Marakal viz., Karuppa Gounder executed a Will in favour of the petitioners' father and after his demise, the petitioners' father became entitled to the property. Thereafter, the petitioners' father filed W.P.No.24175 of 2012 seeking for re-conveyance of the property. This writ petition was allowed by an order dated



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10.02.2015 and the appeal filed by the Government in W.A.No.987 of 2016 was also dismissed by an order dated 12.01.2018. Thereby, the conveyance ordered by this Court stood confirmed. The District Collector, through proceedings dated 26.08.2019, directed the authorities to record the name of Marakal's husband Karuppa Gounder in the revenue records.

6. In the mean time, one Muthusamy, who is the brother of petitioners' father (uncle) filed W.P.No.37443 of 2015 before this Court seeking for separate patta in his name with respect to 83 cents of land in S.No.28/6. This writ petition was dismissed by an order dated 02.07.2021 and this order has become final.

7. The petitioners' father died on 18.11.2020 and after his demise, the petitioners had inherited the property. They had made a family arrangement and wanted to enter into a partition and accordingly, a partition deed dated 13.01.2025 was prepared and presented for registration before the fourth respondent. The fourth respondent refused to register the partition deed for the reasons stated supra. Aggrieved by the same, the present writ petition has been filed before this Court.



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8. In the considered view of this Court, the Government is no more the owner of the property in the light of the earlier order passed by this Court where the property was directed to be re-conveyed. That apart, there are no pending proceedings in this case since the claim made by the petitioners' uncle also came to be rejected. Hence, the reasons assigned in the refusal check slip is unsustainable. Accordingly, the refusal check slip dated 13.01.2025 is hereby quashed. There shall be a direction to the fourth respondent to entertain the document and register the same, if it is otherwise in order.

This writ petition is allowed with the above direction. No costs.

21.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

1. The District Collector, SALEM
2. The Sub Collector, Mettur, Salem District.
3. The District Registrar
District Register Office, Salem District.
4. The Sub Registrar
Tharamangalam, Salem District.



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N.ANAND VENKATESH, J

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