



W.P.Nos.28103 & 39056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 21.02.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.Nos.28103 & 39056 of 2024

AND

W.M.P.Nos.42297 of 2024

W.P.No.28103 of 2024

Vinoth Kumar

.. Petitioner

Vs

1.The District Collector
Perambalur District, Perambalur

2.The Sub-Collector
Perambalur District, Perambalur

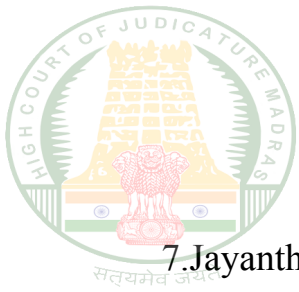
3.The Tahsildar
Perambalur District, Perambalur

4.The Deputy Tahsildar
Perambalur District, Perambalur

5.Sulochana

6.Vana Rani @ Rani

1/8



W.P.Nos.28103 & 39056 of 2024

7.Jayanthi

8.Jayakumar

9.Seethalakshmi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 2nd respondent in MP.A/2/1803/2024 dated 12.09.2024 and quash the same and for a direction to the respondents 1 to 4 not to mutate the revenue records pertaining to the property situated at S.No.388/2B in Perambalur District and Taluk, Elambalur Village till the pending disposal of the suit in O.S.No.48 of 2024 on the file of the Principal District Court, Perambalur.

For Petitioner : Mr.P.William Clinton

For RR1 to 4 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

W.P.No.39056 of 2024

K.Jayanthi

.. Petitioner

Vs

The Sub Registrar Joint-I
Perambalur, Perambalur District

.. Respondent



W.P.Nos.28103 & 39056 of 2024

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of refusal check slip in RFL/No.1 Joint Sub-Registrar, Perambalur/334/2024 dated 25.11.2024 on the file of the respondent and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the power of attorney document dated 25.11.2024 presented by the petitioner along with her sisters, within a stipulated period fixed by this Court and for other consequential orders.

For Petitioner : Mr.M.Muruganantham

For Respondent : Mr.M.R.Gokul Krishnan
Additional Government Pleader

COMMON ORDER

The issue involved in both the writ petitions are interconnected, both these writ petitions are heard together and disposed of through this common order.

2. W.P.No.28103 of 2024 has been filed challenging the proceedings of the 2nd respondent dated 12.09.2024 and for a consequential direction to the



W.P.Nos.28103 & 39056 of 2024

WEB COPY

respondents 1 to 4 not to mutate the revenue records with respect to the subject property till the disposal of O.S.No.48 of 2024 pending on the file of the Principal District Court, Perambalur.

3. W.P.No.39056 of 2024 has been filed against the refusal check slip issued by the respondent dated 25.11.2024 and for a consequential direction to the respondent to register the Power of Attorney document dated 25.11.2024.

4. Heard both sides and perused the materials available on record.

5. The petitioner in W.P.No.39056 of 2024 claims that her father owned certain properties and he executed a registered will dated 29.09.1999, bequeathing the property in favour of his second wife, daughter of first wife and the daughters of the second wife. Subsequently, the petitioner's father died and the patta stood in the joint name of all the children in patta Nos.1375 and 2549.

6. The grievance of the petitioner is that the Tahsildar, Perambalur, removed the names of the joint patta holders and issued a new patta in the name of



W.P.Nos.28103 & 39056 of 2024

WEB COPY

Seethalakshmi, by order dated 13.05.2021. Aggrieved by the same, an appeal was filed before the Revenue Divisional Officer (RDO), Perambalur and after conducting enquiry, the RDO, Perambalur passed an order dated 12.09.2024, cancelling the individual patta granted in favour of Seethalakshmi and restored the joint patta as it originally stood. This order has been put to challenge in W.P.No.28103 of 2024.

7. During the interregnum period, the said Seethalakshmi is said to have executed a Sale Deed dated 16.05.2024 in favour of the petitioner in W.P.No.28103 of 2024. Based on the same, he has filed a suit in O.S.No.48 of 2024 on the file of the Principal District Court, Perambalur, seeking for the relief of declaration and permanent injunction.

8. The petitioner in W.P.No.39056 of 2024 was intending to execute a Power of Attorney document and accordingly, a document dated 25.11.2024 was presented for registration before the Sub Registrar. The same was refused to be



W.P.Nos.28103 & 39056 of 2024

WEB COPY

registered by issuing a refusal check slip on the ground that the property has already been dealt with by means of a registered Sale Deed dated 16.05.2024.

Aggrieved by the same, the refusal check slip has been challenged in this writ petition.

9. In the considered view of this Court, the dispute between the parties is at large before the City Civil Court in O.S.No.48 of 2024. Therefore, whatever claims are made by both parties has to be put forth before the civil Court and the same will be decided on its own merits and in accordance with law. If this Court goes into the order passed by the RDO and deals with the rights of the parties, it will have a bearing in the pending suit and therefore, this Court is not inclined to undertake such an exercise. Therefore, the order passed by the 2nd respondent dated 12.09.2024, need not be interfered with at this stage and the present status quo shall be maintained in the revenue records, till the disposal of the suit.

10. Insofar as the refusal check slip is concerned, the mere cancellation of



W.P.Nos.28103 & 39056 of 2024

WEB COPY

patta granted in favour of the petitioner in W.P.No.28103 of 2024 will not automatically cancel the Sale Deed already executed. Till the said Sale Deed is intact, there is no question of once again dealing with the same property. Therefore, the Sub Registrar has rightly issued the refusal check slip. The same does not require interference of this Court.

11. In the result, these writ petitions are disposed of by permitting both the parties to raise all the grounds in the pending suit in O.S.No.48 of 2024 on the file of the Principal District Court, Perambalur. Subject to the result of the civil proceedings, the parties can approach the concerned revenue authorities/registering authority and exercise their rights in accordance with law. No costs. Connected W.M.P. is closed.

21.02.2025

gya

Index : Yes/No

Neutral Citation : Yes/No



WEB COPY



W.P.Nos.28103 & 39056 of 2024

N. ANAND VENKATESH, J.

gya

To

1.The District Collector
Perambalur District, Perambalur

2.The Sub-Collector
Perambalur District, Perambalur

3.The Tahsildar
Perambalur District, Perambalur

4.The Deputy Tahsildar
Perambalur District, Perambalur

5.The Sub Registrar Joint-I
Perambalur, Perambalur District

6.Principal District Court
Perambalur

W.P.Nos.28103 & 39056 of 2024

21.02.2025