



W.P.(MD) No.4064 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.4064 of 2025
and
W.M.P(MD)No.2916 of 2025

R.Kesavan

... Petitioner

vs.

1.The Sub Registrar,
Gandharvakottai, Pudukottai.

2.Selvaraj
3.Kandasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip in RFL/GAndharvakottai/92/2024, dated 28.10.2024 and quash the same and consequently direct the first respondent to register the settlement deed dated 28.10.2024 executed by the petitioner in favour of his wife and release the same within the time frame fixed by this Court.

For Petitioner : Mr.K.K.Udayakumar

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R1



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ORDER

The writ petitioner challenges the refusal check slip dated 28.10.2024 issued by the first respondent and consequently seeks to direct the first respondent to register the settlement deed executed by the petitioner in favour of his wife dated 28.10.2024.

2.Considering the limited scope of the relief sought for in the writ petition, with the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner's father purchased the subject property in the year 1963 from the father of the respondents 2 and 3, one Kulanthai Ambalam @ Kuzhadaiyan. The said sale deed is a registered sale deed for lawful consideration. However, though subsequently patta was mutated pursuant to the said sale deed in the year 1963, the third respondent appears to have made an application in the year 2016 for mutation of patta in his name. Without issuing any notice to the petitioner or his brothers, the patta has been mutated in the name of the third respondent, in W.P(MD)No.4052 of 2025, I have set aside the order



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and remitted the matter to the first respondent/Zonal Deputy Tahsildar, Gandharvakottia Taluk for conducting a fresh enquiry and passing orders on merits. In the event of the petitioner succeeding in the said proceedings and satisfying valid title to the subject lands, then the Zonal Deputy Tahsildar would consequently have to restore the patta in the name of the petitioner and his brothers, cancelling the entries made in the name of Kulanthai Ambalam @ Kuzhadaian, the father of respondents 2 and 3.

4. In the light of the orders passed today, ie., on 14.02.2025 in W.P.(MD)No. 4052 of 2025, I deem it fit to pass the following orders:

(i) On completion of the enquiry by the first respondent/Zonal Deputy Tahsildar, Gandharvakottai Taluk and final orders being passed as directed by this Court in W.P.(MD)No.4052 of 2025, in the event of the petitioner ending up successful in establishing his title to the subject property, then the first respondent/Sub Registrar is directed to register the settlement deed dated 28.10.2024 executed by the petitioner in favour of his wife without insisting on any further documents;



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(ii) The first respondent/Sub-Registrar shall also make necessary entries in the encumbrance certificate regarding the orders passed by the Zonal Deputy Tahsildar, Gandharvakottai Taluk, rendering findings with regard to the mutation of records in the name of the petitioner, in the event of the petitioner being able to satisfy that the petitioner and his brothers alone are the absolute owners of the subject lands and the second and third respondents, who are claiming only under the vendor of the petitioner's father, have no right, title or interest in the subject lands;

(iii) The writ petition in W.P(MD)No.4052 of 2025, has been directed to be disposed of within a period of eight weeks from the date of receipt of a copy of that order, after hearing the parties concerned;

(iv) Therefore, subject to final orders passed by the Zonal Deputy Tahsildar, Gandharvakottai Taluk pursuant to the order in W.P(MD)No. 4052 of 2025, the petitioner shall be entitled to approach the first respondent/Sub Registrar for registering the settlement deed dated 28.10.2024; and



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(v) On production of any favorable decision passed in favour of the petitioner, pursuant to the order in W.P(MD)No.4052 of 2025, the first respondent shall immediately thereupon register the settlement deed dated 28.10.2024 without insisting on any further documents from the petitioner.

5.With the above directions, this Writ Petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

14.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

The Sub Registrar,
Gandharvakottai, Pudukottai.



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P.B.BALAJI, J.

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