



W.P(MD)No.5683 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5683 of 2025

Marithai

..Petitioner

Vs

The Sub Registrar,
Sub Registration Office,
Kadayanallur,
Tenkasi District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertains to the impugned refusal check slip in Refusal Number: RFL/ Kadayanallur/ 13/2025 dated 20.02.2025 issued by the respondent and quash the same as illegal and arbitrary, consequently direct the respondent to accept the Release Deed dated 13.02.2025 presented for registration by the petitioner and other executants therein without questioning the tile to the property and release the same forthwith.

For Petitioner : Mr.S.Balamurugan

For Respondent : Mr.N.Ramesh Arumugam
Govt. Advocate



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ORDER

The petitioner challenges the impugned refusal check slip issued by the respondent.

2. The case of the petitioner is that her father, Senthurpandian, had purchased a property situated at S.No.766/6A, Chokkampatti Village, Kadayannallur Taluk, Tenkasi District, from one Udayammai. She claims that her father has been in uninterrupted possession of the property for 50 years and above. Her father passed away in the year 1994. Subsequently, the petitioner, her sister Annathai, and her brother Murugan succeeded to the estate. The petitioner, her sister Annathai and their brother Murugan executed a deed of relinquishment in favour of their sister Muthulakshmi. This document was presented for registration. The respondent/Sub Registrar refused to register the document under the impugned order, pointing out the following reasons:

- (i) The property originally belonged to Udayammai Athal;
- (ii) She settled the same in favour of Vellaipandian and Pichai Thai;
- (iii) There was no further transaction recorded in official land records.

3. The petitioner challenges the said order, stating that the Registrar has made it de-hors Rule 55A of the Registration Rules. She points out that the



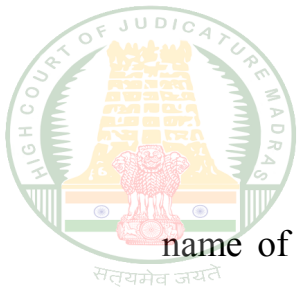
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alleged mortgage is from the years 1970 and 1977 and, by the virtue of lapsed time, are deemed to have been discharged. She further points out that the property being an ancestral property, revenue records in the nature of patta can be accepted for the purpose of registration.

4. Heard Mr.S.Balamurugan, for the petitioner, and Mr.N.Ramesh Arumugam, learned Government Advocate, for the respondent.

5. The petitioner is correct that if a property is ancestral, then there will be no document to support the same. For a property to be considered as an ancestral property, it should have passed through three generations, and only in the hands of the fourth generation, will it be treated as an ancestral one. This is a settled position in Hindu law. Even going as per the affidavit, the property cannot be treated as an ancestral property, for the simple reason that the petitioner's father, Senthurpandian, had purchased the property from Udayammai 50 years ago, which means it was self-acquired by Senthurpandian. Therefore, the plea that the property is ancestral in nature is a red herring argument and deserves to be rejected.

6. Insofar as the second plea that the revenue records are standing in the



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name of the petitioner's father is concerned, the revenue records cannot, and

will not confer title on a person.

7. The plea in paragraph 3 of the affidavit states that the property was purchased by an unregistered sale deed. Whether this unregistered sale deed was acted upon and whether the petitioner's father crystallized his right to the property by virtue of Section 27 of the Limitation Act are all matters beyond the jurisdiction of the respondent.

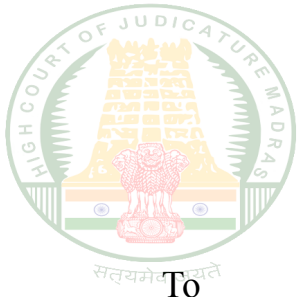
8. The petitioner's remedy lies only before the civil court, to seek a declaration and thereafter approach the Registrar for registration of the relinquishment deed. As on date, the revenue records stand in the name of Udayammai, and merely because the revenue records stand in the name of the petitioner's father and the petitioner, it will not confer title to the property.

9. In the light of the above discussion, this writ petition stands dismissed.

No costs.

04.03.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
skn



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V.LAKSHMINARAYANAN, J.

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