



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)Nos. 5087 & 5088 of 2023

1. Arumugam

2. Mariammal

.. Petitioners in both the
Petitions

Vs.

The Sub- Registrar,
Melapalayam, Tirunelveli.

.. Respondent in both the
Petitions

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorarified Mandamus, to call for the records relating to the impugned order of the respondent in Refusal Check Slip Nos. RFL/Melapalayam/2/4 and 3 dated 21.02.2023 and quash the same and consequently direct the respondent to register and release the document in favour of the 2nd petitioner within the time fixed by this Court.

For Petitioners : Mr.H.Arumugam

For Respondent : Mr.S.Kameshwaran
Government Advocate



ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the respondent in Refusal Check Slip No. RFL/Melapalayam/2/4 dated 21.02.2023 and consequently direct the respondent to register and release the document in favour of the 2nd petitioner within the time fixed by this Court.

2. It is the case of the petitioners that the 1st petitioner is absolute owner of the land in old S.No.656/1A1-Part, present T.S.SNo.1/11 in Block 37 and measuring to an extent of 11 ares respectively. Further he has executed a settlement deed dated 23.01.2023 in favour of his wife.the 2nd petitioner herein. In this regard, when the document was presented before the respondent for registration, the same was refused on the ground that there was double entry in respect of the subject property. Whereas it is the contention of the petitioners that the said property is ancestral property and was in possession of the 1st petitioner's father and after his demise, he is in possession of the property and Patta was mutated in his name. Therefore, he is the absolute owner of the properties. Therefore, according to the petitioners, they have title over the said property.

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



4. The claim of the petitioner is that the subject property is ancestral property of the 1st petitioner. Merely because there is a double entry in respect of subject property, the registration cannot be refused.

5. Accordingly, the impugned order passed by the respondent in Refusal Check Slip Nos. RFL/Melapalayam/2/4 and 3 dated 21.02.2023 are hereby quashed and these writ petitions are disposed of. The respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order. It is for the concerned parties to establish their title before the competent civil Court by adducing property document. No costs.

08.08.2025

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

Ksa

To

The Sub- Registrar,
Melapalayam, Tirunelveli.



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S.SRIMATHY, J.

Ksa

**ORDER MADE IN
W.P(MD)Nos. 5087 & 5088 of 2023**

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