



W.P(MD)No.8643 of 2024

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)No.8643 of 2024

Sethuraman

... Petitioner

Vs.

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.

2. The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

3. The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

4. The Sub-Registrar,
Kalayarkovil Sub-Registrar Office,
Kalayarkovil,
Sivagangai District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.37 of 2024 dated 31.01.2024 on the



W.P(MD)No.8643 of 2024

file of the 4th respondent and quash the same as being illegal and unconstitutional and further, to direct the 4th respondent to register the Document bearing No. P108/2020 dated 21.08.2020 in view of the order passed by the 1st respondent in his proceedings in Pa.Mu.P1/17257/2019 dated 29.09.2023 pertaining to the land in S.No.38/2 (0.64.0 Ares) and S.No.35/4 (0.48.0 Ares) situated in Pudhukiluvachi Village Group, Kalayarkovil Taluk, Sivagangai District.

For Petitioner : Mr.V. Kannan

For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Na.Ka.No. 37 of 2024 dated 31.01.2024 on the file of the 4th respondent and further, to direct the 4th respondent to register the Document bearing No. P108/2020 dated 21.08.2020 in view of the order passed by the 1st respondent in his proceedings in Pa.Mu.P1/17257/2019 dated 29.09.2023.

2.The brief facts of the case are that the land in Survey No.38/2 (0.64.0 Ares) and Survey No.35/4 (0.48.0 Ares) is an ancestral property belonging to the petitioner's family from generations. On 15.04.1996, the petitioner executed a sale deed to one Vasudevan S/o. Rajagopal through Doc.No.468 of 1996 for a sale consideration of Rs.36,000/- The contention of the petitioner is that the said Vasudevan failed to pay the entire consideration amount. Hence, the



W.P(MD)No.8643 of 2024

petitioner had taken steps under law and the said sale deed was cancelled on 20.09.1996 under Doc.No.1927 of 1996. The said Vasudevan has not challenged the same and the cancellation attained finality. But based on the said sale deed, the said Vasudevan has changed the patta and has executed an unregistered power of attorney in favour of one Subramanian S/o Rathinam. The said power agent sold the land to one Alagammal which was registered in Doc.No.288 of 2011 and also sold the land to one Lakshmi in Doc.No.295 of 2011. Thereafter, patta was changed in the name of Alagammal and the said Lakshmi. When the petitioner came to know about the aforesaid alleged sale, the petitioner approached the 2nd respondent RDO to cancel the aforesaid pattas by way of appeal. The 2nd respondent vide proceedings dated 20.02.2019 allowed the appeal and directed to cancel the patta and restore the petitioner's name in the 'A' Register. Thereafter, the petitioner executed a settlement deed dated 21.08.2020 in favour of the petitioner's wife namely, Anandavalli. After verification, the 4th respondent refused to register stating the patta is not standing in the name of the petitioner.

3.In the meanwhile, the said Alagammal and Lakshmi preferred a revision petition before the 1st respondent which was rejected vide order dated 29.09.2023 and the 1st respondent confirmed the order of the 2nd respondent, dated 20.02.2019. Hence, the petitioner submitted a representation, dated 06.11.2023, to the 4th respondent to register the settlement deed. Since no action was



W.P(MD)No.8643 of 2024

forthcoming, the petitioner filed W.P.(MD)No.28225 of 2023 for Mandamus. This Court, vide order, dated 30.11.2023, directed the petitioner to submit the document and directed the 4th respondent to consider the materials placed by the petitioner and if everything was in order subject to the fulfilment of the usual formalities, the document may be registered. Based on the order, the petitioner submitted the document with other formalities but the impugned order was passed stating that the patta is not in the name of the petitioner.

4.The contention of the petitioner is that the respondents are still relying on the sale deed executed in favour of the Vasudevan vide Document No. 468 of 1996 but the respondents failed to consider that the sale deed was cancelled on 20.09.1996 vide Doc.No.1927 of 1996. Further, the respondents cannot determine the title dispute between the petitioner and the said Vasudevan. Hence, the petitioner prayed to allow the writ petition.

5.After perusing the documents, it is seen that the petitioner has cancelled the sale deed executed in favour of Vasudevan. Further, the power of attorney is unregistered, hence, the same is illegal. In fact, Vasudevan ought not to have sold the property to the said Alagammal and Lakshmi. Further, the patta standing in the name of Alagammal and Lakshmi was also cancelled. In such circumstances, the respondents cannot state that the right of the Vasudevan



W.P(MD)No.8643 of 2024

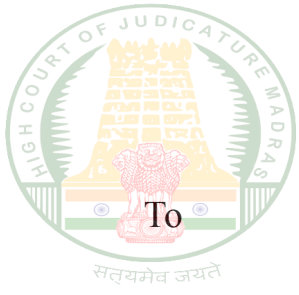
extinguished based on the sale deed executed to subsequent purchasers like Alagammal and Lakshmi. The respondents also cannot state that the sale deed in favour of Alagammal and Lakshmi was not cancelled. Such a finding given by the respondents is totally against their own registered document in Doc.No.1927 of 1996. After such cancellation, the said Vasudevan was not having any right. Hence, the subsequent sale in the year 2011 by the said Vasudevan is without any right or authority. Therefore, the impugned order denying the petitioner's right over the property is totally erroneous.

6.As rightly pointed out by the petitioner, the respondents cannot resolve the title dispute raised by the parties. It is a settled proposition that the Civil Court alone is having power to resolve the title dispute. Therefore, the impugned order is total non application of mind. Hence, the impugned order is quashed and consequently, the respondents are directed to register the settlement deed within a period of four weeks from the date of receipt of a copy of this order.

7.With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

08.08.2025

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J.

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**ORDER MADE IN
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