

W.P.(MD)No.8815 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.8815 of 2025

Mukkaiah

... Petitioner

vs.

1.The District Registrar,
Tenkasi District,
Tenkasi.

2.The Joint Sub Registrar,
Melaneelithanallur,
Tenkasi District.

3.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip in Refusal Number RFL/Melaneelithanllur/22/2025 dated 03.03.2025 issued by the 2nd respondent and quash the same and also seeking to register the petitioner settlement deed dated 03.03.2025 relating to his land in Survey No. 329/1 measuring to an extent of 0.08.0 Hectare, Kurukkalpatti Village, Sankarankovil Taluk, Tenkasi District.

For Petitioner :Mr.V.Sukumar



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For Respondents :Mr.P.T.Thiraviyam
Government Advocate

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ORDER

This Petition had been filed to call for the records relating to the impugned check slip in Refusal Number RFL/Melaneelithanllur/22/2025 dated 03.03.2025 issued by the second respondent, quash the same and to register the petitioner's settlement deed dated 03.03.2025 relating to the land in Survey No.329/1 measuring an extent of 0.08.0 Hectare, Kurukkalpatti Village, Sankarankovil Taluk, Tenkasi District.

2.The claim of the petitioner is that the property in S.No.329/1 of Kurukkalpatti Village, Sankarankovil Taluk, Tenkasi District, belongs to his father, Pitchaiah Konar. He pleads that he succeeded to the estate of Pitchaiah Konar on the death of the said person. He wanted to settle the property in favour of his son, Kumar and executed a settlement deed on 14.09.2024. The second respondent refused to register the document on the ground that there are two previous documents covering the very same survey number in Doc.Nos.595/1981 and 338/1987.



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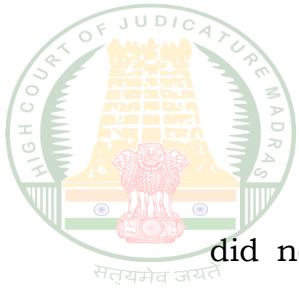
3. According to the petitioner, those documents relate to Natham lands and not to ryotwari punja lands, which is the subject matter of the settlement deed. Be that as it may, on the basis of this difference, the impugned check slip was issued. Challenging the same, the present writ petition.

4. I heard Mr.V.Sukumar learned counsel for the petitioner and Mr.P.T.Thiraviyam learned Government Advocate for the respondents.

5. Mr.P.T.Thiraviyam states that for the very same survey number, there are two previous documents. Hence, the second respondent refused to register the same. As per revenue classification, the property is punja land and therefore, the petitioner cannot claim to register the same.

6. I have carefully considered the submissions of both sides. I have gone through the records.

7. The existence of previous document is not a bar for registration of a subsequent document. Mere registration of the document would not confer title on the petitioner, if Pitchaiah Konar



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did not have any right to the property. The registration deals with documents and not with transactions.

8.In ***T.Senthilvel Vs. District Registrar (Administration), Dindigul District and other, W.P.(MD) No.22114 of 2024, dated 17.10.2024***, this Court held that merely because there is a double entry in respect of the subject property, registration cannot be refused. Following the said verdict, the impugned order is quashed. There shall be a direction to the second respondent to register the settlement deed executed by the petitioner in favour of his son, Kumar, within a period of two weeks from the date of uploading of a copy of this order.

9.Needless to add, in case, the second respondent feels that the property has been undervalued attracting Section 47A(1) of the Registration Act, 1908, he shall first register the document and if he still entertains a doubt, he shall refer the same for appropriate action under the said provision.



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10.The Writ Petition stands allowed, with the aforesaid

directions. No costs.

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

02.04.2025

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To

- 1.The District Registrar,
Tenkasi District,
Tenkasi.
- 2.The Joint Sub Registrar,
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- 3.The Tahsildar,
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V. LAKSHMINARAYANAN, J.

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