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W.A.(MD)NO.966 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.966 of 2025 AND

C.M.P.(MD)No.6131 of 2025

1. The District Registrar,
District Registrar Office,
Pudukottai.

2. The Sub Registrar,
Sub Registrar Office,
Perungalur and Taluk,
Pudukottai District.

... Appellants / Respondents

Vs.

1. Durai Chakravarty

... 1st Respondent / Writ petitioner

2. The Special Officer,
Kalai Magal Sabha,
17/48, North Usman Road, T.Nagar,
Chennai – 600 017.

... 2nd Respondent / 3rd Respondent

3. The Tahsildar,
Kulathur Taluk,
Pudukottai District.

(R-3 is *suo motu* impleaded vide order dated 13.06.2025)

... 3rd Resepondent



Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P.(MD)No.24505 of 2024 dated 07.11.2024 and allow the writ appeal.

For Appellants : Mr.S.Saji Bino,
Special Government Pleader.

For R-1 : Mr.K.Balasundaram,
Senior counsel,
for Mr.R.Paranjothi.

For R-2 : Mr.N.Dilip Kumar

For R-3 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

This writ appeal is directed against the order dated 07.11.2024 made in W.P.(MD)No.24505 of 2024 filed by the first respondent herein (Durai Chakravarty).

2. The case on hand pertains to survey No.290/2, Themmavur Village, Kulathur Taluk, Pudukottai District measuring an extent of 4.45 Hectares. It stood in the name of Thiru.Durairasu, grand father



of the first respondent. Patta also stood in his name. Durairasu executed settlement deed dated 06.06.2022 in favour of the first respondent. It was presented for registration. The registering authority declined to register the document and issued refusal check slip. Challenging the same, Durairasu filed W.P.(MD)No.8140 of 2022. The refusal check slip was quashed and the writ petition was disposed of on 26.04.2022 in the following terms:-

“4.For the foregoing reasons, the impugned order dated 10.02.2022 passed by the fifth respondent is hereby quashed and the matter is remanded back to the fifth respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner and any other necessary party whom the fifth respondent deems fit to enquire including granting them the right of personal hearing and pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order.”

3. The document was registered and released vide document No.1298 of 2022. Thus, the earlier litigation ended in favour of the first respondent herein.



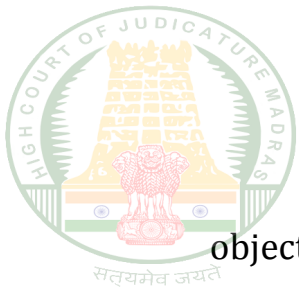
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4. Thereafter, Durai Chakravarty wanted to execute a lease deed in favour of a third party. Lease deed was presented for registration. At this stage, the registering authority insisted for NOC from Kalaimagal Sabha, the second respondent herein. That necessitated filing of W.P.(MD)No.24505 of 2024. The learned single Judge vide order dated 07.11.2024 disposed of the writ petition in the following terms:-

“5. In view of the above, the second respondent is directed to register the lease deed presented for registration in respect of the subject property without insisting upon No Objection Certificate from the third respondent. With this direction, the Writ Petition stands disposed of. There shall be no order as to costs.”

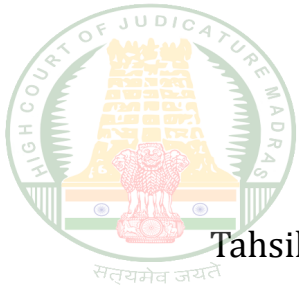
This Court directed the registering authority to register the lease deed without insisting upon NOC from Kalaimagal Sabha. Aggrieved by the said order, the Department filed this appeal.

5. We fail to understand the reason as to why the writ appeal was filed at all. In the earlier round of litigation also, the very same



objection was taken. This Court had quashed the refusal check slip and directed the registering authority to conduct enquiry and register the document and release the same. We fail to understand as to how registration of the lease deed presented by the first respondent could have been refused.

6. We are also satisfied that the property purchased by Kalaimagal Sabha in S.No.290/2 is not the petition mentioned property. We direct Kalaimagal Sabha to submit an appropriate application. The learned counsel stated that the application submitted by Kalaimagal Sabha for issuance of patta in respect of the property purchased by them in undivided survey No.290 vide sale deeds in document Nos.573/1995 and 576/1995 respectively dated 02.08.1995 is pending with the Tahsildar, Kulathur Taluk. Our attention is drawn to the letter bearing No.O.Mu.64/2024/A5 dated 12.01.2024 which indicates what are the lands actually owned by Kalaimagal Sabha in the undivided survey number. It is also seen that survey No.290 has subsequently been subdivided. The entire issue will be put to rest if separate patta is issued in favour of Kalaimagal Sabha for the property purchased in survey No.290. We direct the



Tahsildar, Kulathur to do so within a period of eight weeks from the date of receipt of a copy of this order. This writ appeal is dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
13th June 2025

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

PMU

To:

The Tahsildar,
Kulathur Taluk,
Pudukottai District.



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7

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