



W.P(MD)No.16460 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.16460 of 2025

Sampath

... Petitioner

vs.

The Sub Registrar,
Registration Department,
Thiruverumbur,
Trichy District..

...Respondent

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 pertaining to the Impugned Order of Refusal Check Slip issued by the respondent vide Refusal Number: RFL/Thiruverumbur/215/2024 dated 24.07.2024 and to quash the same as illegal and consequently, to direct the respondent to receive and register the Sale Deeds dated 22.7.2024 executed by the petitioner and other co-owners legal heirs in respect of the property being an extent of 26 Acres and 40 Cents, comprised in Survey No.122, Suriyur Village, Thiruverumbur Taluk, Trichy District in favour of Jeyakumar son of Palanimanickam.

For Petitioner : Mr.H.Lakshmi Shankar
for Mr.P.Mahendran
For Respondent : Mr.S.Kameshwaran
Government Advocate

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of refusal check slip



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issued by the Respondent vide Refusal Number: RFL/Thiruverumbur/215/2024 dated 24.07.2024 and consequently, to direct the respondent to receive and register the sale deeds dated 22.7.2024 executed by the petitioner and other co-owners legal heirs in respect of the property being an extent of 26 Acres and 40 Cents, comprised in Survey No.122, Suriyur Village, Thiruverumbur Taluk, Trichy District in favour of Jeyakumar son of Palanimanickam.

2.The petitioner is the owner of the property. However, inadvertently the Government has declared the petitioner's land as surplus. Subsequently, third parties were allotted patta. Aggrieved over the same, the petitioner has filed O.S.No.728 of 1996 on the file of the II-Additional District Munsif Court, Trichy. In the said suit, judgment and decree, dated 20.03.2010, was passed in favour of the petitioner. Against the said judgment and decree, an appeal was preferred and the same was dismissed. The lis has attained finality. Subsequently, the petitioner has also filed E.P.No.133 of 2015 on the file of I - Additional District Munsif Court, Trichy and the Execution Court has ordered delivery on 02.08.2022. Aggrieved over the same, a civil revision petition is filed and the same is pending. The said civil revision petition cannot be taken into account for passing order in the present writ petition. If there is any third party claim, they have to approach the Civil Court for proper remedy. The Registration Department cannot have any objection. Therefore, the impugned order of refusal check slip is passed with total



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non application of mind.

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3.The learned Government Advocate appearing for the respondent submitted written instructions, dated 18.06.2025, wherein it is stated that the petitioner has to approach the revenue authorities for patta cancellation which stands in the name of a 3rd person. After cancellation of patta, the petitioner ought to obtain new patta in his name. Along with new patta, if the petitioner resubmitted the papers for registration, the name would be considered.

4.The respondent cannot raise such an objection for issuing patta, since the judgment and decree is in favour of the petitioner. Therefore, the said objection is rejected since the impugned order of refusal slip is passed with total non application of mind. Therefore, the impugned order of refusal slip is quashed and the respondent is directed to register the sale deeds within a period of four weeks from the date of receipt of a copy of this order.

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

18.06.2025

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

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To:

The Sub Registrar,
Registration Department,
Thiruverumbur,
Trichy District..



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S.SRIMATHY, J.

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**ORDER MADE IN
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DATED :18.06.2025