



W.P(MD)No.21221 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21221 of 2025

and

WMP(MD) No.16382 of 2025

T.M.Daswin John Grace

... Petitioner

Vs.

1. The District Registrar,
Office of District Registrar,
Virudhunagar District.

2. The Sub Registrar,
Office of Sub Registrar
Aruppukottai Taluk,
Virudhunagar District.

3. The Thasildar,
Aruppukkottai Taluk,
Virudhunagar 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 relates to the impugned refusal Check Slip dated 14.12.2022 issued by the 2nd respondent herein by refusing to register the sale deed presented by the petitioner and quash the same consequently direct the 2nd respondent to register the sale deed presented by the petitioner which is pending as P-5/2019 in respect of petitioners property bearing comprised in survey numbers 78/1 and 78/5 situated at Sukkilanatham Village, Aruppukottai Taluk, Virudhunagar District



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For Petitioner : Mr.M.Gnana Guru Nathan
For R1 to R3 : Mr.S. Kameshwaran
Government Advocate

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ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the records relates to the impugned refusal Check Slip dated 14.12.2022 issued by the 2nd respondent herein by refusing to register the sale deed presented by the petitioner and consequently direct the 2nd respondent to register the sale deed presented by the petitioner which is pending as P-5/2019 in respect of petitioners property bearing comprised in survey numbers 78/1 and 78/5 situated at Sukkilanatham Village, Aruppukottai Taluk, Virudhunagar District

2. The brief facts are that the property comprised in S.No.78/1 & 78/5 admeasuring to an extent of 0.52 and 0.72 Ares respectively was originally assigned to one Yellammal on 09.06.1981 and the DKT patta was also issued to the said Yellammal. The said Yellammal sold the property through registered sale deed in Document No.1267 of 1983 in favour of one T.Ramarasu and the said Ramarasu was also issued with patta No.152. Thereafter, the said Ramarasu sold the property to one Vairamuthu S/o.M.Subramaniam through registered sale deed in Doc.No.1587 of 1996. Thereafter, the said Vairamuthu was granted with patta.



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The said Vairamuthu sold the property to Daswin John Grace, the petitioner vide registered sale deed dated 18.09.2008 in Doc.No.4882/2008 and the petitioner was issued with Patta No.215. The petitioner had executed a sale deed dated 07.01.2019 in favour of one Devi Priya W/o.Sundaramurthy and presented the sale deed on 07.01.2019 to the 2nd respondent. The second respondent without registering the same, kept the sale deed pending and cited reason that the property in issue is shown as "Kulam" as per the revenue records maintained by the Registration Department. In order to clarify whether the property is classified as "Kulam", the 2nd respondent sent a communication to the third respondent Tahsildar on 11.01.2019. The third respondent, vide letter dated 08.06.2022, has clarified the same by stating that the property is not "Kulam" and a patta was already issued to the petitioner. In spite of the same, the 2nd respondent refused to register the sale deed. Hence, the petitioner submitted a representation on 03.07.2024. On receipt of the representation, again the second respondent has sent a communication to the third respondent seeking clarification vide letter dated 04.07.2024. Hence, the present writ petition is filed to quash the impugned order and seeking further direction to register the document.

3. The learned Government Pleader submitted that if the property is Waterbody, then the same cannot be registered.



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4. After hearing the rival submissions, this Court is of the considered opinion that when the patta was issued to the original assignee Yellammal and the subsequent purchasers namely Ramarasu, Vairamuthu and the petitioner, then it cannot be stated as "Kulam". Even if it is Kulam, the 3rd respondent and other Revenue Officials are having power to remove the encroachment. As on date, there is no such proceedings initiated by the Revenue Officials. Moreover, the third respondent has already clarified vide his letter dated 08.06.2022, a patta was already issued to the petitioner. In such circumstances, the 1st and 2nd respondents cannot keep the document pending from 2019 onwards. Therefore, the impugned order is liable to be quashed.

5. Accordingly, the impugned order dated 14.12.2022 issued by the second respondent is hereby quashed. The 1st and 2nd respondents are directed to register the document within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

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To

1. The District Registrar,
Office of District Registrar,
Virudhunagar District.

2. The Sub Registrar,
Office of Sub Registrar
Aruppukottai Taluk,
Virudhunagar District.

3. The Thasildar,
Aruppukkottai Taluk,
Virudhunagar District



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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.21221 of 2025**

DATED : 08.08.2025