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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.21103 of 2024

Sheik Syed Ali

... Petitioner

Vs

1.The District Registrar(Admin.),
District Registrar Office,
Cheranmahadevi,
Tirunelveli District.

2.The Sub Registrar,
Kadayam Sub Registrar Office,
Tenkasi District.

3.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

(Third respondent was impleaded as per order of this Court made in
W.M.P(MD)No.18433 of 2024 in W.P(MD)No.21103 of 2024, dated
20.01.2025) ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned refusal check slip in Refusal No.RFL/Kadayam/47/2024, dated 27.08.2024 issued by the second respondent and to quash the same as illegal and consequently to direct the second respondent to register the Petitioner's deed of receipt for cancellation of Memorandum of deposit of title deed,



dated 27.08.2024 in Natham Sy.Nos.309/1, 2B,3,4,5,6A, 6C and Natham Sy.Nos.313/3B, 314/2 to an extent of 1320 sq.ft with house in Door No.40/7, situated at Alwarkurichi Village, Kadayam Sub-Registration Circle, Cheranmahadevi Registration District, Tirunelveli District within the time stipulated by this Court.

For Petitioner : Mr.A.Sankarasubramanian

For RR – 1 & 2 : Mr.S.P.Maharajan
Special Govt.Pleader

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip in Refusal No.RFL/Kadayam/47/2024, dated 27.08.2024 issued by the second respondent and to quash the same as illegal and consequently to direct the second respondent to register the Petitioner's deed of receipt for cancellation of Memorandum of deposit of title deed, dated 27.08.2024 in Natham Sy.Nos.309/1, 2B,3,4,5,6A, 6C and Natham Sy.Nos.313/3B, 314/2 to an extent of 1320 sq.ft with house in Door No.40/7, situated at Alwarkurichi Village, Kadayam Sub-Registration Circle, Cheranmahadevi Registration District, Tirunelveli District on the ground that there is objection raised stating that the subject properties are classified as Government Poramboke.

2.Heard the learned counsel appearing on either side and



perused the materials placed before this Court.

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3.The Petitioner had purchased the house plots comprised in S.Nos. 309/1, 2B,3,4,5,6A, 6C and Natham Sy.Nos.313/3B, 314/2 to an extent of 1320 sq.ft with house in Door No.40/7, situated at Alwarkurichi Village, Kadayam Sub-Registration Circle, Cheranmahadevi Registration District, Tirunelveli District from one Paramasivan by registered sale deed, dated 20.09.2002 vide Document No.2353 of 2002. Thereafter, the Petitioner has constructed a house in the said plot and the same was assessed to property tax in D.No.40/7. Thereafter the Petitioner had mortgaged the said property by way of Memoandum of deposit of title deed vide Document No.5104 of 2018 in favour of a Private Finance Company and availed loan to the tune of Rs.5,50,000/-.After repayment of entire loan to the Private finance company, a receipt was issued in favour of he Petitioner. Subsequently, the said receipt was presented for registration with the second respondent. However, it was refused to be registered by the second respondent on the ground that the subject property is classified as Government poramboke land and there cannot be any registration in respect of the subject property and before inter-linking of Revenue Department and Registration Department, the sale deed was



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executed in favour of the petitioner vide document NO.2343 of 2002. Now the Revenue Department and Registration Department has been inter-linked and on verification, it was found that the subject property originally assigned in favour of one Paramasivan, son of Madasamy by proceedings, dated 30.3.1993 in Na.Ka.Pa No. 19702 of-1990 on condition that the subject property shall not be alienated for a period of 30 years. Even thereafter, the said land can be alienated only in favour of Adi dravida people, that too, with the prior permission obtained from the Revenue Department. The said conditions were violated by the assignee Paramasivan and sold out the subject property in favour of the Petitioner by registered sale deed, dated 20.09.2022 Subsequently, the said property was also mortgaged by way of memorandum of deposit of title deed. Therefore the second respondent has rightly refused to register the receipt which was presented for registration and this Court finds no infirmity or illegality in the said order and as such, the Writ Petition is devoid of merits and the same is liable to be dismissed.

4. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

20.01.2025



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

To

- 1.The District Registrar(Admin.),
District Registrar Office,
Cheranmahadevi,
Tirunelveli District.
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G.K.ILANTHIRAIYAN, J.

vsn

Order made in
W.P(MD)No.21103 of 2024

20.01.2025