



WP(MD) No.18337 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON
19.12.2024

PRONOUNCED ON
31.01.2025

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.18337 of 2017 &
WMP.(MD)No.14791 of 2017

Sethulakshmi

... Petitioner

vs.

1.The District Registrar Office,
Office of the District Registrar,
Cheranmahadevi,
Tirunelveli District.

2.The Sub Registrar,
Joint Sub Registration Office -II,
Cheranmahadevi,
Tirunelveli District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned check slip order passed for the records respondent in Na.Ka.No.985/A1/2017/undated 04.2017 quash the same as illegal and consequently direct the second respondent to register the petitioner's settlement deed document in accordance with law.



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For Petitioner : Mr.S.Krishnan

For Respondents : Mr.D.Sadiq Raja AGP for RR1&2

ORDER

The Writ Petition had been filed challenging the rejection order passed by the first respondent in an appeal against the order of the second respondent check slip whereby it was refused to register the settlement deed executed in favour of the petitioner by her mother.

2.Heard Mr.S.Krishnan, learned counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for RR1 and 2.

3.The property bearing Survey No.702/ 1A1A assigned new Survey No.1741/1 originally belonged to the petitioner's mother which had been acquired by the petitioner's mother by way of a Sale Deed bearing Document No.1352/2012. The mother of the petitioner had envisaged to settle the property in favour of the petitioner and when they had presented the Settlement Deed for registration, the same was refused to be registered



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by the second respondent by issuance of a check slip dated 06.04.2017 holding that the said land had been classified as Government Poramboke lands. Against the same, the petitioner had also preferred an appeal before the first respondent who had also rejected the claim of the petitioner by its order dated 24.04.2017 to seek rectification as advised in the check slip and thereafter, presented the said document.

4. It is the contention of the learned counsel for the petitioner that if the land had been classified as a Natham lands, then the same cannot be treated to be a Government Poramboke lands and in support of his contention, he had relied upon two Division Bench judgments of this Court in the case of *The Executive Officer vs. V.Swaminathan & Ors.*, reported in **2004 (3) CTC 270** and other W.A.(MD)No.713 of 2014. He had also placed an Government order in G.O.(MS).No.221 dated 04.05.2023 where the Government taking into consideration that the classification made in respect of Natham lands had directed the Natham lands to be recorded as a Ryotwari manai instead of Government Poramboke lands. Hence, he would submit that the refusal slip would have to be set aside and to direct the respondents to register the Settlement Deed to be executed by the



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petitioner's mother in her favour.

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5.The learned Additional Government Pleader appearing on behalf of the respondents 1 & 2 on the contrary would submit that classification of the land is a Government Poramboke land and therefore, the claim of the petitioner that the said land even though classified as Natham Land, but wrongly noted as Government poramboke land, cannot be entertained. He would also submit that there has been no patta issued in the name of the executor of the document and therefore, the document cannot be registered.

6.I have considered the submissions made by the learned counsels appearing for their respective parties and perused the materials available on record.

7.Even in the refusal slip issued by the first respondent, he had indicated that even as per the records namely the Guideline Value Register Natham Survey No.1741/1 has been valued at zero as it is a Government Poramboke land.



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8.As rightly pointed out by the learned counsel for the petitioner, a Division Bench of this Court had held that the lands which have been classified as Natham lands cannot be said to be Government Poramboke lands, as the lands were never vested with the Government. The respective Division Benches as specifically held that the Grama Natham lands are the lands that are used for residential purposes of the villagers in succession either by inheritance or by the transfer of the title.

9.In such view of the matter, considering the fact that the records of the respondents also indicates that the survey number has been classified as Natham, but, noted as Government Poramboke lands cannot defeat the rights of the petitioner to accept the settlement to be executed by her mother.

10.For the aforesaid reasons, the impugned orders are set aside and the second respondent is directed to accept the documents presented by the petitioner to be executed by her mother in her favour and proceed to register the same if it is otherwise in order.



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11. With the aforesaid direction, this Writ Petition stands allowed.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

31.01.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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K.KUMARESH BABU.,J.

Gba

A Pre-delivery order made in
W.P.(MD)No.18337 of 2017 &
WMP.(MD)No.14791 of 2017

31.01.2025