



W.P.(MD)No.35416 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2025

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THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.35416 of 2025

Sheik Mansoor

...Petitioner

vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Melapalayam,
Tirunelveli.

2.Ashraf

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in RFL/Melapalayam/106/2025 dated 21.11.2025 passed by the 1st Respondent and quash the same as illegal and consequently direct the 1st Respondent to register the Settlement deed dated 13.11.2025 executed by the petitioner in favour of the 2nd respondent without insisting upon production of patta, in respect of the property measuring 50 cents forming part of old S.No.981 (New S.No.22), Ward AU, Kulavanigarpuram Part-I, Bock-001, Palayamkottai Taluk, Tirunelveli District.

For Petitioner : Mr.S.Sathyachidambaram

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1



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ORDER

This Writ Petition has been filed challenging the impugned refusal check slip in RFL/Melapalayam/106/2025 dated 21.11.2025 issued by the first Respondent and to direct the first Respondent to register the Settlement deed dated 13.11.2025 executed by the petitioner in favour of the second respondent without insisting upon production of patta.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner would submit that the petitioner purchased the subject property by virtue of sale deed dated 14.01.1991 and patta transfer application was filed on that date itself. However, patta was not mutated in the name of the petitioner. While so, the petitioner intend to settle the property to the second respondent by virtue of settlement deed dated 13.11.2025. Since the impugned order was passed citing the reason that the patta is not mutated in the name of the petitioner, he has approached this Court by way of the present Writ Petition.

4. In reply, the learned Special Government Pleader appearing for the first respondent would fairly submit that patta transfer application was filed



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along with sale deed dated 14.01.1991 and due to the failure on the part of the Authorities, patta was not transferred in the name petitioner, which is directly in contravention of the provisions of the Patta Pass Book Act, 1983.

5. I have given due consideration to the submissions made on either sides.

6. In the present case, the refusal to register the petitioner's settlement deed is on the ground that the patta was not mutated in the name of the petitioner. When the sale deed was executed in the name of the petitioner as early as on 14.01.1991, along with an application for transfer of patta, it is the duty of the Sub Registrar to forward the same to the Revenue Authorities for mutation of records. Therefore, it is either failure on the part of the first respondent for not forwarding the patta transfer application to the Revenue Authorities or on the part of the Revenue Authorities for not mutating the records subsequent to the application made as early as on 14.01.1991. Admittedly, patta is not a proof of title and this has been upheld in umpteen number of Judgments of this Court. When the title deed is in the name of the petitioner, the settlement deed presented by the petitioner in favour of the second respondent ought to have been registered by the first respondent. Hence, the impugned order is liable to be set aside.



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7. In view of the above discussions, this Writ Petition is allowed and the impugned order of the first respondent in RFL/Melapalayam/106/2025 dated 21.11.2025 is set aside. The petitioner is directed to re-present the settlement deed before the first respondent and on such representation, the first respondent / Sub Registrar, Melapalayam, is directed to register the same forthwith, without any delay, if it is in accordance with law. No costs.

10.12.2025

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

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To

The Sub Registrar,
Office of the Sub Registrar,
Melapalayam,
Tirunelveli.



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KRISHNAN RAMASAMY, J.

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