



W.P.(MD) No.35464 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.35464 of 2025

Valliammal

... Petitioner

Vs

1. The District Registrar,
Sivagangai District.
2. The Joint Sub-Registrar No.2,
Kariakudi,
Sub-Registrar Office,
Sivagangai District.
3. The Revenue Divisional Officer,
Devakottai, Sivagangai District.
4. R.Malaikannan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal check slip in RFL/2 No. Joint Sub-Registrar Karaikudi/9/2025 dated 17.07.2025 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondent No. 2 to register the gift deed presented by the petitioner in Pending Doc.No.TP/226592542/2025 dated 17.07.2025 within time stipulated by this Court.



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For Petitioner : Mr.R.Mathiyalagan
For Respondents : Mr.M.Lingadurai,
Spl. Govt. Pleader for R1 to R3

ORDER

This Writ Petition is filed challenging the impugned Refusal check slip in RFL/2 No. Joint Sub-Registrar Karaikudi/9/2025 dated 17.07.2025 passed by the 2nd respondent and seeking for a consequential direction to the respondent No. 2 to register the gift deed presented by the petitioner in Pending Doc.No.TP/226592542/2025 dated 17.07.2025 within time stipulated by this Court.

2. Mr.M.Lingadurai, learned Special Government Pleader takes notice for respondents 1 to 3. Since no adverse order is going to be passed against the 4th respondent, notice to him is dispensed with. By consent, this Writ Petition is taken up for final disposal.

3. It is the grievance of the petitioner that when the petitioner presented a gift deed for registration, the same was refused to be registered on the ground that cancellation of patta proceedings is



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pending before the 3rd respondent and the 2nd respondent directed the petitioner to get No Objection certificate from the third respondent. Challenging the same, the petitioner has filed this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that since there was an objection by the 4th respondent, after conducting enquiry, the document of the petitioner will be registered.

5. On a perusal of the records it is seen that the subject property is a natham land and the petitioner is in possession of the said property from 1970 and the patta also stands in the name of the petitioner. It is settled law that whoever in possession of the natham property, they are entitled to get patta in their name. Therefore, mere pendency of a patta proceedings before the 3rd respondent is not a bar to register the document.

6. It is settled proposition of law that if at all there is any third party making objections, it is for them to approach the civil Court and establish their right. Therefore, mere objection of a third party is not



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a bar for the second respondent to register the document unless or otherwise, they obtain any decree or interim order in their favour in accordance with law. Therefore, the impugned order is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned refusal check slip issued by the 2nd respondent is set aside. The 2nd respondent is directed to register the gift deed presented by the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

11.12.2025

vsm
Index : Yes/No
NCC : Yes/No



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To

1. The District Registrar,
Sivagangai District.
2. The Joint Sub-Registrar No.2,
Kariakudi,
Sub-Registrar Office,
Sivagangai District.
3. The Revenue Divisional Officer,
Devakottai, Sivagangai District.



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KRISHNAN RAMASAMY, J.

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