



W.P(MD)No.8712 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.03.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA  
CHAKRAVARTHY**

**W.P(MD)No.8712 of 2026**

Anburaj

... Petitioner

Vs.

1. The Sub Registrar,  
Kayathar Sub Registrar Office,  
Thoothukudi District.

2. Arumugam

...Respondents

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice in Niluvai Aavana No.P44/2025 dated 12.12.2025 passed by the 1 respondent and quash the same as illegal and consequently directing the 1st respondent herein to registering the Rectification Deed presented by the Petitioner based on the Judgment in O.S.19 of 2011 dated 03.01.2013 on the file of the District Munsif Court, Kovilpatti.

For Petitioner  
For R1

:Mr.M.Prabu  
:Mr.F.Deepak  
Special Government Pleader



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## **ORDER**

The present writ petition has been filed for the following relief:

“Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice in Niluvai Aavana No.P44/2025 dated 12.12.2025 passed by the 1 respondent and quash the same as illegal and consequently directing the 1st respondent herein to registering the Rectification Deed presented by the Petitioner based on the Judgment in O.S.19 of 2011 dated 03.01.2013 on the file of the District Munsif Court, Kovilpatti.”

2. Heard Mr.M.Prabu, learned counsel appearing for the petitioner and Mr.F.Deepak, learned Special Government Pleader, who takes notice on behalf of the 1<sup>st</sup> respondent.

3. Considering the limited relief sought for, this writ petition is taken up for final disposal at the admission stage itself. It is made clear that this Court has not expressed any opinion on the merits of the allegations made by the petitioner.



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4. With reference to the document originally executed by the mother of the 2nd respondent in favor of the father of the petitioner, the survey number was incorrectly mentioned. A Civil Suit in O.S. No. 19 of 2011 was filed in the District Munsif Court, Kovilpatti, and a decree of mandatory injunction was passed against the mother of the 2nd respondent by an order dated 03.07.2013, directing her to rectify the error. Thereafter, the 2nd respondent filed an appeal in A.S. No. 12 of 2013 in the Sub Court, Kovilpatti. However, pending the appeal, the 2nd respondent passed away and no further steps were taken resulting in the dismissal of the appeal for default on 11.12.2021. Pursuant to the judgment and decree, the petitioner also filed E.P. No. 15 of 2023, and by orders passed during the execution proceedings, the present rectification document was executed. Therefore, the 1<sup>st</sup> respondent ought to have registered the document instead they issued an impugned notice which is illegal.



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5. Per contra, learned Special Government Pleader appearing for the 1<sup>st</sup> respondent would submit that the impugned notice is only requesting the petitioner to appear before the respondent so as to conduct an enquiry in the matter.

6. In view thereof, the writ petition is disposed of on the following terms:-

- i. The impugned notice dated 12.12.2025 shall be treated as a notice to conduct an inquiry.
- ii. The petitioner shall produce the judgment and decree of the civil court in O.S.No.19 of 2011 dated 04.08.2010 and execution petition in E.P.No.15 of 2023 dated 16.11.2024 before the 1<sup>st</sup> respondent and the same shall be duly considered by him.
- iii. If the same is already presented, the petitioner shall appear before the respondent and file a reply intimating their stand that in view of the Civil Court decree and in the execution petition, the rectification petition is presented.



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- iv. As and when the same is presented, the 1<sup>st</sup> respondent shall complete the enquiry and pass further orders with reference to the registration of the document presented by the petitioner, after issuing due notice to both the petitioner and the 2<sup>nd</sup> respondent.
- v. The said exercise shall be completed within a period of three weeks from the date of receipt of a web copy of the order, without waiting for the certified copy of the order.
- vi. No costs.

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NCC:Yes/No  
rgm



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To

The Sub Registrar,  
Kayathar Sub Registrar Office,  
Thoothukudi District.



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**D.BHARATHA CHAKRAVARTHY, J.**

rgm

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