



W.P.(MD)No.7247 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.7247 of 2026

Kottaisamy

... Petitioner

Vs.

1. The Revenue Divisional Officer
Tenkasi,
Tenkasi District.

2. The Tahsildar
Taluk Office,
Sankarankovil,
Tenkasi District.

3. The Deputy Inspector of Survey
Taluk Office,
Sankarankovil,
Tenkasi District.

4. Maruthupandiyan

5. Subramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the



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impugned order passed by the 2nd respondent in No.2025/0105/34/352146 dated 20.08.2025 and quash the same as illegal and to direct the 2nd respondent to issue Patta in respect of the property in Survey No.71/5 and 71/6A situated at K.Maruthappapuram Village, Sankarankovil Taluk, Tenkasi District to the petitioner.

For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.A.Oliraja
Government Advocate
(For R1 to R3)

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order passed by the 2nd respondent in No.2025/0105/34/352146 dated 20.08.2025 and quash the same as illegal and to direct the 2nd respondent to issue Patta in respect of the property in Survey No.71/5 and 71/6A situated at K.Maruthappapuram Village, Sankarankovil Taluk, Tenkasi District to the petitioner.

2. The learned counsel appearing for the petitioner submitted that the petitioner had purchased the property through a registered sale deed dated



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09.06.2023, bearing Document No.1587 of 2023, from the fourth respondent.

After the purchase, the petitioner applied for transfer of patta through online on 24.06.2025. However, the second respondent rejected the application without assigning any reasons, and no intimation was received by the petitioner either through WhatsApp or SMS. It was further submitted that the property in Survey No.71/5 originally belonged to Swami Viveganantha Arakkattalai, Ilanthakulam, Tenkasi, and was subsequently subdivided and sold to several purchasers. One such purchaser, namely Muthammal, had earlier sought transfer of patta, which was similarly refused on the ground that the property belonged to a trust and hence could not be transferred. Aggrieved by the same, she approached this Court by filing WP(MD) No.20671 of 2022, which was allowed on 24.04.2024. This Court held that under Sections 22-A and 22-B of the Registration Act, 1908, while registration of certain properties may be prohibited on specified grounds, the revenue authorities cannot refuse mutation of patta if the transaction is otherwise valid. The petitioner herein, being a bona fide purchaser for valuable consideration, is therefore entitled to transfer of patta, and such mutation cannot be refused merely by citing that the property originally belonged to a trust. The relevant paragraph of the order is extracted hereunder:-



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8. Sections 22-A and 22-B of the Registration Act, 1908 enable the registering authority to refuse the registration under certain circumstances. The said provisions are as under:

“22-A. Refusal to register certain documents.—

Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:—

(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,—

(i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958) ; or

(iv) of Wakfs which are under the superintendence of the Tamil



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Nadu Wakf Board established under the Wakf Act, 1995 (Central Act 43 of 1995),

unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.

22-B. Refusal to register forged documents and other documents prohibited by law. - *Notwithstanding anything contained in this Act, the registering officer shall refuse to register the following documents, namely:-*

(1) forged document;

(2) document relating to transaction, which is prohibited by any Central Act or State Act for the time being in force;

(3) document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent authority under any Central



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Act or State Act for the time being in force or any Court or Tribunal;

(4) any other document as the State Government may, by notification, specify.”

The transaction in question will not fall within the scope of either Section 22(A) or Section 22(B) of the Registration Act, 1908. Therefore, one must come to the conclusion that the lands were lawfully transferred by the seventh respondent in favour of the respondents 4 to 6 in the first instance and thereafter by respondents 4 to 6 to the petitioner. The transactions were carried out through the registered instruments. If according to the revenue authority, something illegal had taken place, then registration itself should not have been permitted. The petitioner appears to be a *bona fide* purchaser for valuable consideration. In fact she had not purchased directly from the seventh respondent. She is the second subsequent purchaser. When the sale deed stands in the name of the writ petitioner, then the revenue record should be mutated as a matter of course.

9. therefore set side the impugned order and direct the second respondent to mutate the revenue record in respect of



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the petition mentioned lands in favour of the writ petitioner. Of course, if the transactions are subsequently impeached and they are declared as null and void, of course order now passed in favour of the writ petitioner must give way. So long as the sale deed stands in the name of the writ petitioner, the petitioner's right to seek mutation of patta cannot be negated. In this view of the matter, the impugned order is set aside.

3. In the present case, the petitioner has purchased land in Survey No. 71/5 to an extent of 75 cents and in Survey No. 71/6 to an extent of 84 cents. Therefore, the respondents 1 to 3 cannot refuse the grant of patta.

4. Upon perusal of the Division Bench judgment, this Court is of the considered opinion that the petitioner purchased the land from the Arakkattalai and has also sold some portions of the said properties. One such purchaser, namely Muthammal, has already been granted patta for the same survey property. Hence, the respondents 1 to 3 cannot refuse to grant patta to the petitioner.



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5. Accordingly, the impugned order is set aside. The respondents 1 to 3 are directed to mutate the revenue records and issue patta, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With these directions, this Writ Petition is allowed . No costs

18.03.2026

(1/2)

Index : Yes / No
Internet : Yes
NCC : Yes / No
msrm



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To

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Taluk Office,
Sankarankovil,
Tenkasi District.
4. The Government Advocate,
Madurai Bench of Madras High Court,
Madurai



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S.SRIMATHY, J

msrm

**Order made in
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(1/2)**