

W.P(MD)No.14963 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 14963 of 2024

Anees Fathima

... Petitioner

vs.

1. The Sub Registrar,
O/o. the District Registrar, Registration Department,
Ayyampettai,
Thanjavur District.

2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip in Refusal number - RFL/Ayyampettai/36/2024 dated 05.06.2024 issued by the respondent no. 1 and quash the same as illegal, consequently directing the respondent no. 1 to register the Settlement Deed dated 31.05.2024 presented by the petitioner.

For Petitioner : Mr.A.Abdulkabur

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to quash the impugned Refusal Check Slip dated 05.06.2024 issued by the respondent no. 1 and consequently directing the respondent no. 1 to register the Settlement Deed dated 31.05.2024 presented by the petitioner.

2. Through the impugned order, the respondents have stated that the patta transfer proceedings are pending before the Revenue Divisional Officer. Therefore, the Revenue Divisional Officer is directed not to entertain any patta change in respect of Patta No. 533.

3. The learned counsel appearing for the petitioner submitted that in Patta No. 533, a larger extent of property is held by several persons in similar extents. The petitioner is in possession of a small portion measuring 1600 sq. ft., which she intends to settle in the name of her husband. When the petitioner attempted to register the said settlement, the respondent raised the above objection. A similar issue concerning the same patta was considered by another learned Single Judge in W.P.(MD) No.1062 of 2022, by order dated 30.10.2023, and the relevant portion is extracted hereunder:



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....

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“4. It is seen that the first item of the sale deed dated 18.04.2023 was purchased by the petitioner's vendor from one M.Ali Akbar vide registered sale deed dated 01.02.2001 (Document No.50 of 2001). The second item was purchased by the petitioner's vendor vide sale deed dated 29.11.2006 (Document No.101 of 2006) from one Anwar Basha and Kamal Basha. It is stated that the names of the petitioner's vendor's vendor figured in the revenue record. The petitioner's vendor's name is also figuring in the revenue record. The only difficulty appears to be that it is a joint patta and not an individual patta.”

4. After hearing the rival submissions, this Court is of the considered opinion that revenue proceedings and patta changes may not be valid grounds to refuse the registration of a settlement deed. If any person is aggrieved by the patta proceedings, they may approach the appropriate civil court and seek remedy.

5. Accordingly, this writ petition is allowed. The impugned Refusal Check Slip dated 05.06.2024 is hereby quashed. The 1st respondent is directed to register the same within a period of four weeks from the date of receipt of a copy of the order. No Costs.

05.08.2025

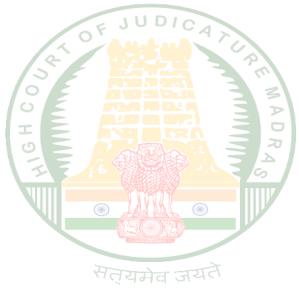
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Index : Yes / No
Internet : Yes
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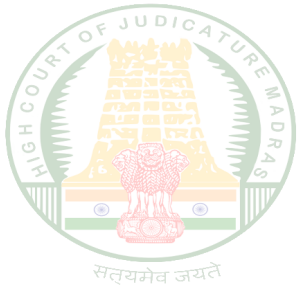


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To:

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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.14963 of 2024**

DATED :05.08.2025