



W.A.(MD)No.2337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.2337 of 2024
and
C.M.P.(MD)No.16143 of 2024**

Sharjan Realities Private Limited and
Shub Priority South Private Limited,
Rep. through its Authorised Person,
I.Indran.

... Appellant

Vs.

1.Banumathi
2.R.Jesudhasan
3.The Sub-Registrar (Registration Department),
Radhapuram, Tirunelveli.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow
the writ appeal by setting aside the order passed in W.P.(MD).No.12074
of 2022 dated 09.08.2024 on the file of this Court.



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For Appellant : Mr.G.Prabhu Rajadurai,
For M/s.Ajmal Associates.

For Respondents : Mr.D.Saravanan, Senior Counsel,
For Mr.S.Vinayak for R1 & R2.
Mr.F.Deepak,
Spl. Government Pleader for R3

JUDGMENT

(Judgment of the Court was delivered by G.R.Swaminathan, J.)

One Banumathi executed settlement deed dated 11.03.2022 in favour of her son / R.Jesudhasan conveying 2/5th undivided share in the petition mentioned survey numbers. The document was presented for registration. The appellant submitted their objections. Citing the same, registration was refused. Challenging the refusal check slip, the settlor and settlee filed W.P.(MD)No.12074 of 2022. The learned Single Judge vide order dated 09.08.2024 quashed the refusal check slip and directed registration of the document dated 21.03.2022. Pursuant thereto, a fresh settlement deed dated 02.09.2024 was executed and it was also duly registered as Document No.3587/2024 on the file of Sub Registrar, Radhapuram. Based on the said document, revenue record was also duly mutated. Questioning the order of the learned Single Judge, this writ appeal has been filed.



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2.Heard the learned counsel on either side at considerable length.

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It seen that SLR in respect of these survey numbers which measure a extent of 117 acres of land stood in the name of five persons namely, Puthiyavan, Sudalai Madan, Kumarandi, Perumal and Sivananja Perumal. One Ponnu Thevar, his wife / Shanmugathai and his son / Muthuramalingam had purchased the entire 117 acres of land through various documents between the years 1961 to 1971. During UDR, the names of these three persons namely, Ponnu Thevar, Shanmugathai and Muthuramalingam were entered in the “A” register. Subsequently, patta was also mutated in their names. From these three persons, the appellant purchased 117 acres of land vide sale deeds dated 18.03.2005 and 21.12.2005. Patta was also mutated in favour of the appellant in respect of the entire 117 acres.

3.The lands in question are agricultural in character. As per Section 5 of the Tamil Nadu Patta Pass Book Act, 1983, no document relating to transfer of any land by sale, gift, mortgage, exchange, settlement or otherwise shall be registered by the registering authority, unless the patta pass book relating to such land is produced before such registering authority.



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4. When the writ petitioners presented their document before the registering authority, admittedly, patta did not stand in the name of Banumathi. On the other hand, it stood in the name of appellant. In these circumstances, the issue arises as to how the registering officer could have been directed to register the document. But at the same time, we cannot brush aside the submissions raised by the learned senior counsel for the writ petitioners that the appellant's vendor did not purchase the entire 117 acres from all the five land owners. These are all factual aspects and the same can be adjudicated only in a properly instituted suit.

5. We called upon either side to arrive at some kind of consensus to resolve the issues so that we can be spared the labour of dwelling deep into the facts.

6. The learned counsel on instructions from the appellant submitted that the impugned order passed by the learned Single Judge as well as the subsequent developments can very well remain and that they can be made subject to the outcome of the partition suit to be filed by the writ



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petitioners. He pointed out that the writ petitioners have already issued a partition notice.

7.Mr.Jesudhasan, the settlee is present in person before us. He undertook before us that even though the revenue record reflects his name also as a joint pattador, he will not interfere with the activities of the appellant / company. He undertook to institute a civil suit shortly. The rights of the parties will abide by the outcome of the civil suit.

8.This writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
13.03.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

The Sub-Registrar (Registration Department),
Radhapuram, Tirunelveli.



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