



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.876 of 2011

K.Podumponnu

: Petitioner

Vs.

1.The District Registrar,
The District Registrar Office,
Sivagangai.

2.The Sub-Registrar,
The Sub-Registrar Office,
Thirupuvanam.

3.S.Gnanmani
(impleaded as per the order
made in M.P.(MD).No.1 of 2012
dated 11.12.2012).

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the second respondent to give the petitioner's registration document dated 28.10.2010 on the basis of the petitioner's representation dated 09.12.2010.

For Petitioner : Mr.A.Rajaram
For R.1&2 : Mr.V.Muruganandham
Additional Government Pleader
For R.3 : Mr.P.Krishnaveni

O R D E R

The petitioner filed this Writ Petition seeking a Writ of Mandamus directing the second respondent to give the petitioner's registration document dated 28.10.2010 on the basis of the petitioner's representation dated 09.12.2010.

2. According to the petitioner, the husband of the petitioner executed a sale deed in her favour and the same was also registered on the file of the second respondent. After registering the said document, the second respondent refused to return the same to the petitioner. Hence, she made a representation to the second respondent. However, no action has been taken by him resulting in filing the Writ Petition.



3. The second respondent has filed a counter affidavit stating that after the registration of the document in question, the second respondent received an objection from one S.Gnanamani, who has been impleaded, as a third respondent, in this Writ Petition. According to the said S.Gnanamani, the property in question belongs to her. Further, as per the Circular issued by the Inspector General of Registration, dated 15.09.2010, any objection received against the registration, the Registrar should conduct an enquiry. In the above stated circumstances, the document in question could not be returned to the petitioner.

4. The third respondent has drawn the attention of this Court to paragraph No.5 of the counter affidavit stating that she has no objection in releasing the document to the petitioner. The learned Counsel appearing for the third respondent would also submit that she has also sent a letter to the second respondent for releasing the document in question.

5. In view of the settled legal position that once the document is registered, the Registrar has no power to withhold the document and in the case on hand, the objector herself has no objection in releasing the document in question for which she has also sent a representation to the second respondent. Therefore, the second respondent is directed to return the document in question to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The District Registrar,
The District Registrar Office, Sivagangai.

2.The Sub-Registrar,
The Sub-Registrar Office, Thirupuvanam.

+1 cc to The Special Government Pleader in SR.No. 55627

+1 cc to M/a.A.Rajaram, Advocate in SR.No.55428

ssm

CSL/DB/06.10.2016: 2p/5c

ORDER MADE IN
W.P. (MD) No.876 of 2011
23.09.2016