



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P. (MD) Nos.19199, 19200 & 19201 of 2018

and

W.M.P. (MD) Nos.17027, 17028 & 17029 of 2018

1.A.Pitchairaj

2.P.Dhanalakshmi

... Petitioners in W.P.(MD) No.
19199 of 2018

M.Chitreswari

... Petitioner in W.P.(MD) No.
19200 of 2018

L.Palamani

... Petitioner in W.P.(MD) No.
19201 of 2018

vs.

1.The District Registrar
Madurai (South) Mahal
Palace Road, Madurai-1

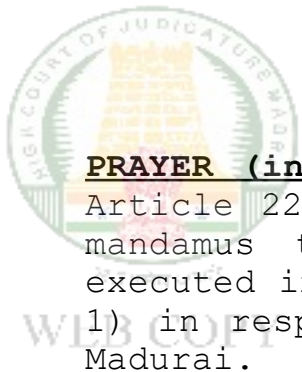
2.The Joint Sub-Registrar No.1
Madurai (South)
Palace Road, Madurai-1

3.T.A.Mariappan

... Respondents in all W.Ps.

PRAYER (in W.P. (MD) No.19199 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the Respondents to release the Sale deed executed in the name of the Petitioner pending in P201001045 (Book 1) in respect of plot No.4, 5 in S.No.198/PE, Anuppanady Village, Madurai.

PRAYER (in W.P. (MD) No.19200 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the Respondents to release the Sale deed executed in the name of the Petitioner pending in P201001058 (Book 1) in respect of plot No.24,25 in S.No.198/PE, Anuppanady Village, Madurai.



PRAYER (in W.P. (MD) No.19201 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the Respondents to release the Sale deed executed in the name of the Petitioner pending in P201001033 (Book 1) in respect of plot No.15 in S.No.198/PE, Anuppanady Village, Madurai.

For Petitioners : Mr.S.Manohar
(in all W.Ps)

For Respondents : Mr.M.Murugan
(in all W.Ps) Government Advocate (Civil Side) for R1 & R2
Mr.A.S.Murugan for R3

C O M M O N O R D E R

The reliefs sought in all these writ petitions are similar and identical and the issues and grounds raised therein are also similar and identical and therefore, all these writ petitions have been taken together for common disposal as under.

2. When the matter was taken up for hearing, it is represented by the learned counsel appearing for the petitioners that in respect of the similar claim, the documents have been released in view of the directions issued by the Honourable Division Bench of this Court, vide Judgment dated 20.04.2017 in W.A.(MD) Nos.240 to 254 of 2016.

3. The Judgment of the Honourable Division Bench has been extracted in Paragraph No.5 of the counter affidavit filed on behalf of the official respondents, which is reproduced hereunder:

"5. I submit that the order of Hon'ble Division Bench is recorded that already some of the pending documents were registered and released by respondents. Therefore the Hon'ble Division Bench disposed the writ appeal with following observation:-

9. It is no doubt clear that when an objection has been raised before the sub-Registrar, as regards the competency of a person to register a sale deed, the Sub-Registrar is bound to conduct an enquiry in the matter. Nevertheless, in the instant case, as of now, the documents have been registered and released. Even while exercising his



WEB COPY

power, the Sub-Registrar has to examine as to whether the Executant, has competence to execute the sale deed as he is conferred with the power of the Civil Court and he can also record evidence.

10. However, as of now, to direct the Sub-Registrar, to do such in exercise will be a futile attempt, since the documents have already been registered and released. Therefore, the matter has to be decided by the Civil court and already the suit in O.s.No.128 of 2011 is pending. In such event, the appellant has to raise all the contentions in the said suit, including the contention that the said Mohana Sundaram had to competence to execute the sle deeds. However, in the interregnum, we have ensured that in the event of the appellant obtains a decree from the Civil Court, it must be a paper decree. Therefore, the appellant can approach the civil court and obtain appropriate interim orders, which shall be considered on merits.

11. Thus, in the light of the above, we find no good grounds to interfere with the order, dated 18.11.2015, passed in W.P.(MD) Nos.101 to 115 of 2015 except to clarify that the Civil Court while deciding the suit shall not be influenced by any of the observations made by the Writ Court or by us."

Thereafter, it appears that the documents relating to those appellants / petitioners have been released by the official respondents.

4. As far as the present claim made by the petitioners herein is concerned, they are also similarly placed persons, but they were not parties in the earlier proceedings and therefore, their documents have not been released. Now, the petitioners have filed the present writ petitions seeking direction to the official respondents to release their documents. Since the documents have been released to the similarly placed persons by the official respondents pursuant to the directions issued by the Honourable Division Bench of this Court, there is no legal impediment for the



respondents 1 and 2 to release the petitioners' documents as well.

5. At this juncture, the learned Government Advocate (Civil Side) appearing for the respondents 1 and 2 would submit that the petitioners' documents would be released, if the writ petitions are disposed of with a direction to that effect.

6. Mr.A.S.Murugan, learned counsel, entered appearance on behalf of the third respondent.

7. In view of the submissions made by the learned counsels on either side, all these writ petitions are disposed of with a direction to the respondents 1 and 2 to release the documents, as sought in the present writ petitions, within a period of one week from the date of receipt of a copy of this order, to the respective petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL-SIDE)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1.The District Registrar,
Madurai (South) Mahal,
Palace Road, Madurai-1.

2.The Joint Sub-Registrar No.1,
Madurai (South),
Palace Road, Madurai-1.

+ 3 CC TO MR.S.MANO HAR, ADVOCATE IN SR NO.86881,86882 & 86883
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.86746,86747 & 86748

KRK

BU/RSK/SAR-I :17.10.2018 : 4P/7C

W.P. (MD) Nos.19199, 19200 & 19201 of
2018

and

W.M.P. (MD) Nos.17027, 17028 & 17029 of
2018

25.09.2018