



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.10733 of 2018

and

W.M.P(MD).No.9829 of 2018

Rabbaniah Foundation,
House of Seyad,
North Bye-pass Road,
Vannarpettai, Tirunelveli-627 003.
rep. by its Managing Director

... Petitioner

Vs.

Sub Registrar,
Office of the District Registrar,
Burkit Managaram,
Tirunelveli-627 002.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings dated 02.05.2018 of the respondent and quash the same as illegal and consequently direct the respondent to register and release the Gift Deed dated 02.05.2018 executed by the petitioner in his individual capacity in favour of the petitioner.

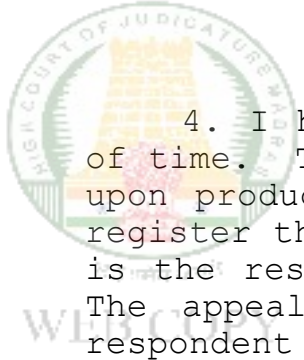
For Petitioner : Mr.M.E.Ilango
For Respondent : Mr.Murugan
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a Trust. The subject matter of this writ petition is the gift deed dated 02.05.2018 executed by one T.E.S.Fathur Rabbani in favour of the petitioner foundation. The said document was presented for registration before the respondent herein. The respondent declined to register the document on the ground that the parent deed was the subject matter of an unnumbered Writ Appeal. To that effect, the impugned endorsement was made. The same is under challenge in this writ petition.

3. When the matter was taken up for hearing, the learned Government Advocate appearing for the respondent brought to the notice of this Court that the Writ Appeal filed by the respondent questioning the order made in W.P(MD).Nos.16153 and 16154 of 2012 was dismissed at the SR stage itself on 24.03.2017.



4. I have to necessarily express my displeasure at this point of time. The respondent in the impugned endorsement has stated that upon production of the Writ Appeal order, it would be possible to register the document executed in favour of the writ petitioner. It is the respondent, who was the appellant in the said writ appeal. The appeal was dismissed as early as on 24.03.2017. When the respondent himself is the party to the writ appeal, the respondent was patently justified in declining to register the document executed in favour of the writ petitioner and thereby, forcing the writ petitioner to file this writ petition. When the writ appeal was dismissed on 24.03.2017, the respondent had no justification to decline registration of the document that was presented on 02.05.2018. The proceedings impugned in this writ petition stands quashed and the respondent is directed to register and release the gift deed dated 02.05.2018 executed in favour of the writ petitioner forthwith and without any delay.

5. The writ petition stands allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Sub Registrar,
Office of the District Registrar,
Burkit Managaram,
Tirunelveli-627 002.

+1 CC to Mr.M.E.ILANGO, Advocate (SR-52083[F] dated 06/03/2019)
+1 CC to SPL GP (SR-52291[F] dated 07/03/2019)

W.P(MD)No. 10733 of 2018
05.03.2019

rmk

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