



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).Nos.26090 and 26091 of 2019

Rojabanu

.. Petitioner in W.P.(MD).No.26090 of 2019

Nabeesha

.. Petitioner in W.P.(MD).No.26091 of 2019

Vs.

1.The District Registrar,
Madurai District, Madurai.

2.The Sub-Registrar,
Karungalakudi,
Madurai South Registration District,
Madurai. .. Respondents in both petitions

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to permit the petitioners in both petitions to withdraw the objection petitions in Objection Petition Nos.8 & 9 of 2015, dated 06.05.2015 on the file of the 2nd respondent in considering the petitioners' representation, dated 26.02.2019.

For Petitioners: Mr.K.Chengiz Khan

For Respondent : Mr.V.Anand

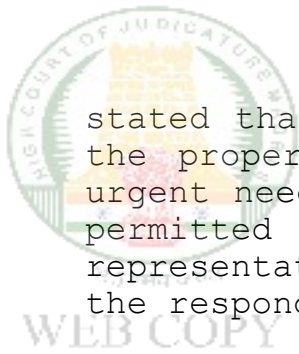
Government Advocate (in both petitions)

COMMON ORDER

These writ petitions are filed for issuing writ of mandamus, directing the 2nd respondent to permit the petitioners in both petitions to withdraw the objection petitions in Objection Petition Nos.8 & 9 of 2015, dated 06.05.2015 on the file of the 2nd respondent, considering the petitioners' representation, dated 26.02.2019.

2.The husband of petitioner in W.P.(MD).No.26090 of 2019 is one Sheik Dawood and the husband of petitioner in W.P.(MD).No.26091 of 2019 is one Abbasmanthri.

3.It is the case of petitioners in both cases that their husbands are brothers and sons of one Mr.Syed Mohamed. It is stated that the petitioners' father-in-law died intestate leaving behind the husband of the petitioner in both cases. Stating that the property left by petitioner's father-in-law came to the petitioners' respective husband and that the petitioners' respective husband who have been forced to put signatures with an intention to grab their property, the petitioners have made representations before the second respondent not to permit their respective husbands to register the document pertaining to their property. It is further



stated that now the petitioners in both cases believe that sale of the properties of their husbands is necessitated for meeting some urgent needs and that therefore their respective husbands should be permitted to deal with the property to mobilize funds. Though a representation had been submitted on 26.02.2019, it is stated that the respondents has not considered the representations.

4.From the sequence of events, it is seen that the petitioners' objections were turned down earlier by the Sub Registrar, Karungalakudi. It is stated in the said order that if any document, which is presented with proper stamp duty and fees will be considered for registration and the registration of any document cannot be stopped, when it is presented with the documents such as chitta and patta pass book for the property. Despite the petitioners' objection, dated 06.05.2015, the petitioners have submitted a representation, dated 26.02.2019 to register the documents executed by their respective husbands. The earlier representation submitted by the petitioners were also withdrawn by these representations, dated 26.02.2019. Based on the representations, the petitioners have now come forward with this writ petitions.

5.From the facts, it is seen that the petitioners' husbands are not the only legal heirs of the father-in-law of the petitioners in both the writ petitions. The legal heirship certificate produced by the petitioners would show that the respective husband of petitioners are not the only owners as they are the legal representatives along with other. From the records, the Sub Registrar cannot accept the document for registration presented by the petitioners' husband, unless the petitioners' husband have obtained consent or General Power of Attorney from other legal heirs of petitioners' father-in-law.

6.In the said circumstances, these writ petitions are disposed of with a direction to the second respondent to permit the petitioners to withdraw the objection petitions, dated 06.05.2015, respectively. The second respondent shall also consider the possible claim of other legal heirs of petitioners' father-in-law, after hearing the petitioners and pass appropriate orders on merits in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)



1.The District Registrar, Madurai District, Madurai.

2.The Sub-Registrar,
Karungalakudi,
Madurai South Registration District,
Madurai.

+2 CC to M/s.K.CHENGIZKHAN, Advocate (SR-105266 & 105267)

+2 CC to M/s.SPL.GP (SR-105311 and 105324)

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16.12.2019

SMA/11/02/2020/3P/7C