



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P. (MD)Nos.12276 and 12552 of 2018

W.P. (MD)No.12276 of 2018

Dr.Indira Mohandas

... Petitioner

-vs-

- 1.The Inspector General of Registration,
Santhome High Road,
Foreshore Estate,
Chennai - 600 004.
- 2.The Deputy Inspector General of Registration,
Tirunelveli,
Tirunelveli District - 627 001.
- 3.The District Registrar,
Tenkasi,
Tirunelveli District.
- 4.The Sub Registrar,
Melaneelithanallur,
Sankarankovil Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to return back the documents to this petitioner registered with registration No.79/2001 and 80/2001 on 27.08.2001 in Book No.1 in 4th respondent Sub Registrar's Office, within a time frame fixed by this Court.

W.P. (MD)No.12552 of 2018

Dr.Radhika Mohandas

... Petitioner

-vs-

- 1.The Inspector General of Registration,
Santhome High Road,
Foreshore Estate,
Chennai - 600 004.
- 2.The Deputy Inspector General of Registration,
Tirunelveli,
Tirunelveli District - 627 001.



3.The District Registrar,
Tenkasi,
Tirunelveli District.

4.The Sub Registrar,
Melaneelithanallur,
Sankarankovil Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to return back the documents to this petitioner registered with registration No.79/2001 and 80/2001 on 27.08.2001 in Book No.1 in 4th respondent Sub Registrar's Office, within a time frame, fixed by this Court.

In both cases:

For Petitioner	: Mr.F.X.Eugene
For Respondents	: Mr.K.Sathiya Singh Additional Government Pleader

COMMON ORDER

These writ petitions have been filed, seeking issuance of Writ of Mandamus directing the respondents 1 to 4 to return back the documents to these petitioners registered with registration No.79/2001 and 80/2001 on 27.08.2001 in Book No.1 in 4th respondent Sub Registrar's Office, within a time frame, fixed by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader, appearing for the respondents.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are doing medical profession in Kerala and also in foreign countries. While the petitioners were in Melagaram Village, Tirunelveli District, the petitioner in W.P.(MD) No.12276 of 2018 has purchased some agricultural lands in Survey Nos.529/4, 526/1, 527/1, 528/2A, 539/4A, 539/4B, 539/6, 540/3, 540/9, 541/2, 541/5A, 541/5B, 529/1, 529/3, 526/2, 532/5, 532/4, 501/1, 502/1 and 503/1 and the petitioner in W.P.(MD)No.12552 of 2019 has purchased the lands in Survey Nos.572/1, 572/3, 574/2, 575/2, 575/3, 528/2B, 540/6A, 540/6B, 540/7, 541/5C, 540/10, 540/8A, 540/8B, 530/3A and 530/3B in Kurukkalpatti revenue village in Sankarankovil Taluk for valuable consideration by virtue of different sale deeds dated 14.04.1995, 28.04.1995, 28.05.1995 and 15.09.1995. Since some more persons have claimed title to the properties apart from the vendors of the petitioners', the petitioners have obtained release deed from the legal heirs of their vendors on 26.06.2001 and registered on 28.08.2001 as Document Nos.79 and 80 of 2001 before the fourth respondent. After completion of registration, the fourth respondent did not return the



documents stating that the documents could not be returned back, unless a no objection letter is obtained from the Superintendent of Police, Chennai. The learned Counsel for the petitioners would further submit that the fourth respondent had replied that as there were some criminal cases pending with respect to those properties, the documents could not be returned back. Further, in response to the legal notice dated 31.03.2013, the second respondent directed the third respondent to take appropriate steps to release those documents. Even thereafter there was no response from the respondents 3 and 4. Therefore, the petitioner made another request on 07.12.2017 to return the documents. Since there was no response from the respondents the petitioners have filed the present Writ Petitions.

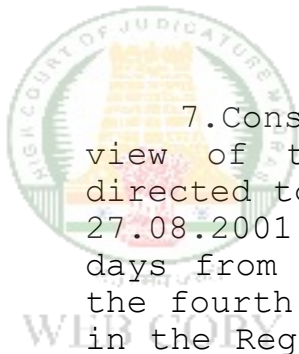
4.The learned Counsel appearing for the petitioners by relying upon a decision of this Court rendered in **W.P.(MD)No.2068 of 2007, dated 28.09.2007 [Chandrasekara Raj v. The Sub Registrar and 3 others]** would submit that the petitioners cannot be made to wait perennially to know the outcome of the dispute and the fourth respondent has to release the documents to the petitioners with any conditions. Further, the petitioners are going to enjoy the said properties and not to sell the properties.

5.For convenience, the relevant portion of the said decision of this Court is extracted hereunder:

"5.But the said letter is dated 10.08.2004 and the said letter is not accompanied by any attachment order passed either by the competent authority or by the Special Court. A period of three years has passed. Till date, the fourth respondent has not chosen to communicate any order of attachment of the property in question, validly passed by any competent authority or the Special Court. Under such circumstances, the petitioner cannot be made to wait perennially to know the outcome of the dispute.

6.In view of the above, this Writ Petition is allowed. The impugned order is set aside and the first respondent is directed to receive the sale deed dated 27.06.2006 and register the same after complying with all the formalities relating to Registration. But the registration will be subject to any order passed by the Competent Authority or Special Court under the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act. Consequently, connected miscellaneous petition is closed. No costs."

6.The learned Additional Government Pleader appearing for the respondents would submit that pending criminal case, the documents cannot be released.



7.Considering the facts and circumstances of the case and in view of the decision of this Court, the fourth respondent is directed to return the documents bearing Nos.79 and 80 of 2001 dated 27.08.2001 in Book No.1 to the petitioners within a period of 30 days from the date of receipt of a copy of this order. However, the fourth respondent shall make an endorsement in the documents and in the Register that a criminal case is pending with respect to the properties and after the outcome of the criminal case, the said endorsement can be deleted. It is further made clear that till the criminal case is over, there shall not be any encumbrance.

8.With the above direction, the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The Inspector General of Registration,
Santhome High Road,
Foreshore Estate,
Chennai - 600 004.
- 2.The Deputy Inspector General of Registration,
Tirunelveli,
Tirunelveli District - 627 001.
- 3.The District Registrar,
Tenkasi,
Tirunelveli District.
- 4.The Sub Registrar,
Melaneelithanallur,
Sankarankovil Taluk,
Tirunelveli District.

+2CC to Mr.F.X.Eugene,Advocate,SR.No.23812,23813,dated 03.12.2020
+2CC to Additional GP,SR.No.23872,23837,dated03.12.2020

W.P (MD) Nos.12276 and 12552 of 2018
02.12.2020

NA (CO)

KB(15.02.2021) 4P 9C