



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.24622 and 24623 of 2021

K.Thanga Gounder ... Petitioner in both W.Ps

Vs

1. The Sub Registrar,
Sub Registrar's Office,
Sulur,
Coimbatore District.

2. P.Rajeshkumar ... Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to register the petitioner's Release Deeds dated 30.06.2021 in T.P.No.103009490/2021 and T.P.No.103015674/2021 or otherwise direct the first respondent to record reasons for such refusal of the above said Release Deeds.

For Petitioner
in both W.Ps : Mr.B.Manimaran

For Respondents
in both W.Ps. : Mr.Yogesh Kannadasan
Special Government Pleader (for R-1)

C O M M O N O R D E R

Both the Writ Petitions are filed to issue a Writ of Mandamus, directing the first respondent to register the petitioner's Release Deeds dated 30.06.2021 in T.P.No.103009490/2021 and T.P.No.103015674/2021 or otherwise direct the first respondent to record reasons for such refusal of the above said Release Deeds.

2. The case of the petitioner is that the property comprised in S.Nos.220/2, 3A, 328/4, 4B, 389/1, 1G and 1C along with Door Nos.3/100A situated at Kaniyur Village, Sulur Taluk, Coimbatore District, was owned by the petitioner's father by a



partition deed dated 28.01.1932, registered vide Document No.165 of 1932. After his demise, the petitioner and other family members being the legal heirs, derived title over the same. While that being so, the petitioner's son had purchased the house plot No.5, situated in adjacent to S.No.234 by the registered sale deed dated 24.08.2020, vide Document No.7600 of 2020. The said property comprised in S.No.234 belonged to the second respondent and he filed a suit in O.S.No.157 of 2020 on the file of the District Munsif Court, Sular for permanent injunction restraining the petitioner and his son from mentioning 23 feet common passage in S.No.234 while alienation of their adjacent property. Whereas, according to the petitioner, the common passage has already been gifted to the Kanniyur Panchayat, by the registered deed dated 28.12.2020, vide Document No.14693 of 2020. However, the second respondent objected the same and lodged a complaint before the first respondent.

3. While that being so, one of the grand son of the petitioner and his brother executed a release deed in respect of the said property in favour of the petitioner and the same were presented for registration on 30.06.2021. However, the first respondent returned the same without any reason for non registration of those documents.

4. Considering the above facts and circumstances, the petitioner is directed to re-present the release deeds, which were executed in favour of him, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to conduct enquiry on the protest petition filed by the second respondent and pass orders to register those documents and release the same. It is also made clear that when there is no restraint order against the first respondent from any Court, mere pendency of the suit filed by the second respondent is not an impediment for the first respondent to register the documents.

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

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

kv



To

The Sub Registrar,
Sub Registrar's Office,
Sulur,
Coimbatore District.

+2ccs to Mr.B.Manimaran, Advocate SR.No.59535, 59536

W.P.Nos.24622 and 24623 of 2021

EV (CO)
GMY (26/11/2021)