



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11781 of 2021

Malathi

... Petitioner

Vs.

The Sub Registrar,
Srivilliputhur,
Virudhunagar District.

... Respondent

PRAYER: Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Sub Registrar, Srivilliputhur, the respondent herein to register and release the release Deed dated 24.06.2021 presented for registration, kept as pending Documents No.P/Srivilliputhur/14/2021 respectively within a time frame as may be fixed.

For Petitioner	: Mr.Prakash.Y
For Respondent	: Mr.R.Sureshkumar, Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent to register the sale deed that was presented for registration on 24.06.2021 and release the document within a time frame fixed by this Court.

2. The case of the petitioner is that the subject property was originally owned by her husband and on his demise, the petitioner and her children have inherited the property. The further case of the petitioner is that her children intended to execute a release deed in favour of the petitioner and accordingly, a release deed was executed on 24.06.2021 and it was presented for registration before the respondent.

3. The grievance of the petitioner is that the respondent did not entertain the document and kept it pending on the ground that an objection has been raised by one Muthuramalingam. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. When the matter was taken up for hearing, the learned Government Advocate appearing for the respondent on instructions submitted that an objection has been raised by one Muthuramalingam on the ground that the proceedings are pending before the concerned Revenue Authority and due to the same, the document should not be registered. A further stand has also been taken to the effect that



the property has not been divided and hence, the document presented by the petitioner should not be registered.

5. In the considered view of this Court, mere pendency of proceedings cannot be a bar for the respondent to register a document. It is seen from records that the property was purchased by the husband of the petitioner through a registered document and patta also stood in his name. These are *prima facie* documents proving the title of the husband of the petitioner. If at all anyone has any claim over the property, it can only be worked out before a competent Civil Court and the respondent cannot be prevented from registering the document by making a mere objection.

6. In view of the above, there shall be a direction to the respondent to entertain the document presented for registration and register the same, if it is otherwise in order and the necessary stamp duty and registration charges are paid. The document shall be released after registration.

7. This Writ Petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub Registrar,
Srivilliputhur,
Virudhunagar District.

W.P. (MD) .No.11781 of 2021

Dated :

14.07.2021

CM(CO)

KB(29.07.2021) 2P 2C