



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6432 of 2022

M.Nainar Mohamed

... Petitioner

Vs.

The Joint Sub-Registrar No.I,
Tenkasi Joint Sub-Registrar-No.I Office,
Tenkasi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register the partition deed dated 01.04.2022 executed in between the petitioner and his mother M.Kashimbeevi and his sister S.Parisal in respect of the properties in Survey No.966A/22 an extent of 325 sq.fts in Old Door No.28A, New Door No.124 and 4/8 shares in Survey No.966A/22 an extent of 325 sq.fts in Old Door No.28B, New Door No.120 in Puliyur Village, Tenkasi District as per the online application No.S01LANDVV202204010864313 Acknowledgement, within the period stipulated by this Court.

For Petitioner	:	Mr.A.Haja Mohideen
For Respondent	:	Mr.J.John Rajadurai, Government Advocate.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent to register the release deed dated 01.04.2022 presented by the petitioner for registration in respect of the properties in Survey No.966A/22 measuring to an extent of 325 square feet in Old Door No.28A, New Door No.124 and 4/8 shares in Survey No.966A/22 measuring to an extent of 325 square feet in Old Door No.28B, New Door No.120 in Puliyur Village, Tenkasi District within a time frame to be fixed by this Court.

2. It is the case of the petitioner that by virtue of a declaratory decree passed by the Principal Sub Court, Tenkasi in O.S.No.285 of 2016 on 05.10.2020, the petitioner, his mother and sister became entitled to the aforementioned property. According to the petitioner, the said declaratory decree was also registered with the respondent and was also reflected in the encumbrance certificate. The petitioner has now presented a release deed dated 01.04.2022 under which his mother and sister are releasing their shares in the property absolutely in favour of the petitioner. According to him, the respondent has refused to register the release deed on the ground that there is an RTI petition pending with regard to the subject property. Since the release deed has been refused to be registered, the petitioner has filed this Writ Petition.



3. Heard Mr.A.Haja Mohideen, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondent.

4. No prejudice would be caused to the respondent, if an enquiry is conducted with regard to the request for registration of the release deed presented by the petitioner.

5. According to the petitioner, the respondent has refused to register the release deed only on the ground that there is an RTI petition pending over the subject property. However, no written communication has been sent to the petitioner giving the details.

6. In such circumstances, this Court is of the considered view that the petitioner must be given an opportunity with regard to the non-registration of the release deed by the first respondent and he should be given full particulars about the details of the RTI petition pending in respect of the subject property. Unless and until a full fledged enquiry is conducted by the respondent after giving sufficient opportunity to the petitioner to raise all objections available to him under law, the respondent cannot arbitrarily refuse to register the release deed without any written order / communication.

7. For the foregoing reasons, this Court directs the petitioner to give a written representation to the respondent, requesting them to register the release deed, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said representation, the respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing and decide as to whether the release deed presented by the petitioner can be registered or not, within a period of eight (8) weeks thereafter.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm



To

The Joint Sub-Registrar No.I,
Tenkasi Joint Sub-Registrar-No.I Office,
Tenkasi District.

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+1 CC to M/s.SPL.G.P (SR-17574[F] dated 08/04/2022)

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