



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11288 of 2022 and
W.M.P.(MD)No.8044 of 2022

M.Nainar Mohamed

... Petitioner

Vs.

1. The Joint Sub-Registrar No.I,
O/o.Tenkasi Joint Sub-Registrar No.I,
Tenkasi District.

2. Noorjahaan

3. Mumtaj

4. The Deputy Inspector General of Registration,
Tirunelveli.

(R-4 is *suo motu* impleaded
vide Order dated 29.07.2022)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent's impugned order in Na.Ka.No.2742/A.Papi/2022 dated 21.04.2022 and quash the same as devoid of merits and consequently directing the first respondent to register the release 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.ft 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 Puliur Village, Tenkasi District as per the online application No.SO1LANDVV202204010864313 acknowledgement, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R-1 & R-4 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

For R-2 & R-3 : No appearance.

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 4.

2. Though the private respondents have been served and their names are also printed in the cause list, they have not chosen to enter appearance.



3. The writ petitioner, his mother and his sister filed O.S.No.285 of 2016 on the file of the Principal Subordinate Court, Tenkasi. The private respondents herein were shown as defendants in the said suit. A declaration was given that the suit first schedule belongs to the plaintiffs. The defendants were directed to hand over the same. As regards the second schedule, the plaintiffs' 4/8th share was declared. They were permitted to file final decree petition. Based on the said judgment and decree, the petitioner's mother and sister had executed the petition mentioned release deed in favour of the petitioner. Under the said release deed, they had relinquished their 2/3rd undivided share in the property. When the same was presented for registration, the first respondent declined to register the same. The impugned order was passed informing the petitioner that the executants do not have any right or title over the property in question. Challenging the said order, the present writ petition has been filed.

4. The first respondent ought to have seen that the petitioner had chosen to present the petition mentioned release deed only on the strength of the Court decree. It has



been held in quite a few decisions that the registering authority need not be concerned with the title of the executants. In that view of the matter, the impugned order is set aside. This writ petition stands allowed. The executants of the petition mentioned release deed are permitted to re-present the document to the first respondent. The first respondent shall receive the same, register it and hand it over subject to fulfilment of the usual formalities. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Joint Sub-Registrar No.I,
O/o.Tenkasi Joint Sub-Registrar No.I,
Tenkasi District.
2. The Deputy Inspector General of Registration,
Tirunelveli.



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G.R.SWAMINATHAN,J.

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