



W.P(MD)No.1657 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.1657 of 2022

and

W.M.P(MD)No. 1448 of 2023

Farook Abdullah

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Madurai Zone,
Combined Registration Department Complex,
Rajakampiram,
Y.Othakadai,
Madurai - 625 107.

2.The District Registrar (Administration)
Madurai South,
Madurai.

3.M.Syed Abutahir

4.The Sub Registrarr,
Tirumangalam,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records relating to impugned order of the first respondent in Na.Ka.No.3318/A4/2021, dated 26.11.2021, confirming the impugned order made by the second respondent in



W.P(MD)No.1657 of 2022

Na.Ka.No.5040/A2/2020 dated 15.04.2021 in so ar as it prohibit the 4th respondent from entertaining or registering any document concerning the petitioner's land in Survey No.142/13, Senkulam Village, Madurai District and quash the same as illegal.

For Petitioner : Mr.M.Mohamed Ibram Saibu
for M/s.Ajmal Associates

For R1, R2 & R4 : Mr.Satheesh
Government Advocate

For R3 : Mr.S.Palanivelayutham

ORDER

The writ petition has been filed in the nature of certiorari questioning an order of the first respondent, Deputy Inspector General of Registration, Madurai Zone at Madurai, dated 26.11.2021 in Na.Ka.No.3318/A4/2021 by which order the said first respondent confirmed an earlier order of the second respondent / District Registrar (Administration), Madurai South dated 15.04.2021 in Na.Ka.No.Ka.No.5040/A2/2020. By the said orders, the respondents issued a prohibition against the fourth respondent/ Sub Registrar, Thirumangam, from registering any document relating to the land in Survey No. 142/13 in Senkulam Village, Madurai District. The petitioner claims title to the property. The said title is being put to test by the third respondent who had filed O.S.No.45 of 2019 before the District Munsif Court, Thirumangalam.



W.P(MD)No.1657 of 2022

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2. I am informed that the petitioner, as defendant in the said suit had also filed written statement. The issues raised in the particular suit will have to be adjudicated on the basis of pleadings and evidence adduced in that particular suit. A quasi judicial authority cannot pass an order of injunction restraining alienation or registration of any document. If a document is presented which is adequately stamped and necessary registration charges had been paid and it does not fall foul of Section 22A of the Registration Act, 1908, then, an obligation is on the registering authorities to register the said document. If there are objections, then the objections can be noted and the parties can work their way through the appellate authorities as provided. But prohibition of registration cannot be granted.

3. It is seen that in the instant case, relating to the very same property the suit is pending. Both the plaintiff and defendants are parties to the suit. If they want to deal with the property, in all fairness they should file necessary application under Section 52 of the Transfer of Property Act and obtain leave of the Court to deal with the property. It would not only regularize the particular transaction but would also not put the other party to whom they transact, in a disadvantageous position, so far as the flow of the suit is concerned.



W.P(MD)No.1657 of 2022

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4. In view of that particular reasoning, the orders passed by both the second and first respondents are both set aside and the petitioner. If the petitioner has any intention of transacting with the property, he may file necessary application as aforementioned before the District Munsif Court at Thirumangalam and thereafter proceed in the manner known to law. Since the orders impugned are set aside, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition stands closed.

13.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The Deputy Inspector General of Registration, Madurai Zone, Combined Registration Department Complex, Rajakampiram, Y.Othakadai, Madurai - 625 107.
- 2.The District Registrar (Administration), Madurai South, Madurai.
- 3.The Sub Registrar, Tirumangalam, Madurai District.



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W.P(MD)No.1657 of 2022

C.V.KARTHIKEYAN, J.

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**W.P(MD)No.1657 of 2022
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