



W.P(MD)No.4339 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4339 of 2023

and

W.M.P.(MD)No.4085 of 2023

A.Swamynathan

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Nagercoil,
Kanyakumari District.

2.The Sub Registrar,
Kottaram Sub Registrar Office,
Kottaram,
Kanyakumari District.

3.A.Ansuhiya

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to Impugned Refusal Check Slip in RFL/Kottaram/23/2023 dated 02.02.2023 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent herein to register and release the Settlement Deed vide Temporary No. TP/142174084/2023.



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For Petitioner : Mr.V.B.Sundhareshwar

For Respondents : Mr.N.Satheeskumar,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2.

2.The petitioner presented the petition mentioned document. Since one Ansuhiya had lodged protest petition, the petitioner's document was not entertained. The impugned refusal check slip came to be issued.

3.So long as the objector has not obtained any restraint order from the jurisdictional Civil Court, the registering authority could not have declined to entertain the document. It is true that the registering authority receives protest petition from the objector and he is also maintaining a register. As and when a document is presented for registration, notice can be given to them. Even a breathing time can be given to the objector to obtain restraint order. But on the ground that an objection has been received, the registering authority cannot refuse registration.



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4.In this view of the matter, the impugned refusal check slip is set aside.

The petitioner is permitted to re-present the document. The registering authority after issuing notice to the objector shall act in accordance with law in the light of the observation made in this writ petition.

5.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

01.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The District Registrar,
Office of the District Registrar,
Nagercoil,
Kanyakumari District.

2.The Sub Registrar,
Kottaram Sub Registrar Office,
Kottaram,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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