



W.P.(MD)No.21420 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21420 of 2015

Ummul Hairy Salma Beevi
W/o Late M.L.Hiduruz Umar Hamza Sahib
Rep. By its Power Agent
I.Ismail ... Petitioner

Vs.

1. The Sub Registrar,
O/o the Sub Registrar Office,
Ambai Road,
Melapalayam,
Palayamkottai Taluk,
Tirunelveli District

2. The Bank of India
Rep. By its Chief Manager,
Zonal Office,
Coimbatore Zone Star House,
324, Oppanakara Street,
Coimbatore 641 001

... Respondents

(R2 is impleaded vide Court order dated 29.11.2022 in W.M.P(MD)
No.17543 of 2016 in W.P(MD)No.21420 of 2005 by RVJ)



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent in his proceedings No.Nil dated 29.10.2015 (served to the petitioner on 04.11.2015) and quash the same as illegal and consequently to direct the respondent to register the Gift Settlement Deed dated 31.07.2015 and release the same within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Mohamed Imran
for M/s.Ajmal Associates
For R1 : Mr.S.Shaji Bino
Special Government Pleader
For R2 : Mr.M.V.Sankar

ORDER

This Writ Petition has been filed for issuance Writ of Certiorarified Mandamus to quash the impugned order passed by the respondent in his proceedings No.Nil dated 29.10.2015 (served to the petitioner on 04.11.2015) and for consequential direction to the respondent to register the Gift Settlement Deed dated 31.07.2015 and release the same within the period that may be stipulated by this Court.



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2. The learned counsel for the petitioner submits that the petitioner presented the Gift Settlement Deed for registration and vide impugned order dated 29.10.2015, the Sub Registrar, Melapalayam refused to register the same. Hence, the petitioner is before this Court.

3. The learned counsel for the first respondent submits that the petitioner, who is not having any title over the property, attempted to register the settlement deed in favour of his daughter and that was refused by the Sub Registrar, Melapalayam and therefore, the petitioner has approached the Sub Registrar, Alangulam and the petitioner has executed a sale deed in favour of third party before the Sub Registrar Alangulam as document No.2513 of 2017 dated 23.06.2017. This document was also questioned by one Kajasarubudeen before the District Registrar, Thenkasi, under Section 77 (A) of the Registration Act and the District Registrar, Thenkasi, by his order dated 18.05.2022 has cancelled the document executed by the petitioner in document No. 2513 of 2017 dated 23.06.2017.



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4. The learned counsel for the second respondent/bank submits that the second respondent/bank is unnecessarily roped in this case and the bank has sold the property in auction to one Chidambara Manickam by following due process of law.

5. In view of the subsequent development and the orders passed by the District Registrar, Thenkasi, this Court is not inclined to entertain this Writ Petition. Accordingly, this Writ Petition is dismissed with liberty to challenge the order of the District Registrar in the manner known to law if aggrieved. No costs.

14.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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B.PUGALENDHI, J.

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