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W.P.(MD)NO.6925 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6925 of 2015 AND
M.P.(MD)Nos.1 & 2 of 2015

K.Mohammed Shahin

... Petitioner

Vs.

1. The District Registrar,
O/o.The District Registrar,
Ramanathapuram District.

2. The Sub Registrar,
Sub Registrar Office,
Keelakarai,
Ramanathapuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 22.01.2015 on the file of the second respondent and quash the same as illegal and consequently directing the second respondent to register the petitioner's sale deed.

For Petitioner : Mr.S.Rajasekar

For Respondents: Mr.S.Ra.Ramachandran,
Additional Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The subject matter pertains to survey No.458/3A2, Kanchirankudi Village in Ramanathapuram District. The said survey number comprised 1 acre and 42 cents. Vide document Nos.1791/2009, 1792/2009 and 1793/2009, the entire 1 acre and 42 cents had been alienated in three parcels. In respect of the very same survey number, one Imtiaz Ahmad Maraikayer executed settlement deed in favour of his wife and daughter. From the settlees, he took power of attorney and thereafter, executed a sale deed in favour of the writ petitioner. The same was presented for registration before the Sub Registrar, Keezhakarai. Vide memo dated 22.01.2015, the registration was refused and the document was returned. Challenging the same, the present writ petition came to be filed.

3. After hearing the learned counsel on either side, I am satisfied that the reason set out in the impugned order is sustainable. In respect of the single piece of land, there cannot



be two registrations. It does not mean that the earlier registrant was competent to deal with the property. However, the matter has to be adjudicated only by the jurisdictional civil Court. When there is already registration in respect of the petition-mentioned property, the petitioner has to necessarily go before the jurisdictional civil Court for establishing his rights. The second respondent cannot be faulted for having complied with the circular issued by the IG of Registration. The order impugned in this writ petition is sustained. This writ petition stands dismissed. Liberty is given to the petitioner to go before the jurisdictional civil Court to establish his rights. The time spent for prosecuting the writ petition would be excluded if necessary. No costs. Consequently, connected miscellaneous petitions are closed.

28.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU



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G.R.SWAMINATHAN,J.

PMU

To:

1. The District Registrar,
O/o.The District Registrar,
Ramanathapuram District.
2. The Sub Registrar,
Sub Registrar Office,
Keelakarai,
Ramanathapuram District.

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