



W.P.(MD)No.9547 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.9547 of 2016
and
W.M.P.(MD).No.7603 of 2016

M.Abdullah

... Petitioner

Vs.

- 1.The Commissioner,
Madurai City Corporation, Madurai.
- 2.The Assistant Commissioner,
Division-II,
Madurai City Corporation, Madurai.
- 3.The Sub Registrar,
Tallakulam Sub Registrar Office,
Rajakambeeram, Othakadai,
Madurai.
- 4.N.Syed Ibrahim
- 5.M.Kathija Begam
- 6.N.Seeni Mathar
- 7.Siddiq Ayusha Begam



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8.Jarina Begam

9.Burkhan

10.Jeenath

11.Thaveedu Mariyam

12.Sulthan Russia

13.Sibunish

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed by the third respondent in his proceedings Thava petition No.12/2016, dated 04.05.2016.

For Petitioner :Mr.K.Seemaraj

For Respondents :Mr.K.K.Kannan for R1 & R2

:Mr.M.Prakash
Additional Government Pleader for R3

:Mr.T.C.S.Thillainayagam
for R4 to R9 and R11 to R13

:No appearance for R10



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ORDER

The petitioner assails an order dated 04.05.2016 of the third respondent by which the petitioner was informed that the registration of the relevant document can be stalled only if an injunction order is obtained from a court of law.

2. The petitioner claims that he is entitled to the property bearing Door No.6, Plot No.20, Re-Survey No.183/1A, Karpagavinayagar Colony, K.Pudur, Madurai-7, pursuant to a Will dated 31.05.1982, which was executed by his mother in his favour. He submits that his brother, who has no right over the property, filed a partition suit (O.S.No.99 of 2009) on the file of the Principal Additional District Court making false claims in respect of the said property. The petitioner also draws reference to other proceedings in relation to the relevant property. Since the private respondents were making efforts to register documents relating to the above mentioned property, the petitioner submitted an objection petition dated 27.04.2016 to the third respondent. The impugned communication was issued in the said facts and circumstances.



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3. Learned counsel for the petitioner submits that the registration authorities are required to consider objection petitions in accordance with circular dated 25.04.2012 of the Inspector General of Police, Chennai.

4. Learned Additional Government Pleader submits that registration of documents may be declined by the registration authority only on the grounds specified in Section 22 (A) and 22 (B) of the Registration Act 1908, as applicable in Tamil Nadu. Therefore, he submits that the impugned order cannot be faulted.

5. The petitioner has been unable to indicate any grounds under Sections 22(A) or 22(B) of the Registration Act, on which the registration of documents by the private respondents herein should be refused by the registering authority. In the said facts and circumstances, the impugned communication cannot be considered as infirm or vitiated in any respect.



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6. Consequently, W.P.(MD).No.9547 of 2016 is dismissed without any order as to costs. It is made clear that this order will not stand in the way of the registering authority examining any documents submitted for registration in respect of Door No.6, Plot No.20, Re-Survey No.183/1A, Karpagavinayagar Colony, K.Pudur, Madurai-7, in accordance with the Registration Act and the Rules made thereunder. Consequently, connected W.M.P.(MD).No.7603 of 2016 is closed.

13.03.2023

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

To

- 1.The Commissioner,
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SENTHILKUMAR RAMAMOORTHY, J.

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