



W.P(MD)No.29661 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29661 of 2023

Vellai Kalifa Ahamed Sahib

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar,
Office of the Sub Registrar,
Melapalayam,
Tirunelveli District.

3.The Sub Registrar,
Office of the Sub Registrar,
Melapalayam,
Tirunelveli District.

... 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 of the impugned order of Refusal Check Slip passed by the 3rd respondent in Refusal No. RFL/Melapalayam/96/2023 dated 09.12.2023 and quash the same as illegal, consequently direct the



W.P(MD)No.29661 of 2023

3rd respondent to register the Partition Release Deed dated 09.12.2023 presented by the petitioner in accordance with law.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner's brother had executed the petition mentioned release deed in favour of the petitioner. It was presented for registration. Citing pendency of C.C.No.504 of 2021 on the file of Chief Judicial Magistrate, Tirunelveli, the registration was refused. Challenging the refusal check slip, the present writ petition came to be filed.

3.The learned counsel for the petitioner points out that in the said C.C., the petitioner is figuring as defacto complainant. The other reason set out in the impugned refusal check slip is also not sustainable. Even if a sale agreement had earlier been entered into, still that would not preclude the party from having further transaction. This issue has



W.P(MD)No.29661 of 2023

already been settled by the Hon'ble Division Bench of the Madras High Court in the decision reported in **2020 (6) CTC 697 (N.Ramayee Vs. The Sub Registrar, Registration Department, Salem).**

4.In this view of the matter, the impugned refused check slip is quashed. The petitioner and his brother can re-present the document in question. It shall be received, registered and released by the third respondent subject to fulfilment of other usual formalities.

5.This writ petition is allowed accordingly. No costs.

13.12.2023

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

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

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W.P(MD)No.29661 of 2023

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- 2.The District Registrar,
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W.P(MD)No.29661 of 2023

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