



WEB COPY



W.P. Nos.34172 & 34174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P. Nos.34172 & 34174 of 2023

AND

W.M.P.Nos.34043 & 34044 of 2023

S. Syed Shabiullah

Petitioner in both WPs.

vs.

1 The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram
Chennai 600 028

2 The District Registrar (Administration)
The Deputy Registrar's Office
Kallakurichi District

3 The Sub Registrar
Elavanasoor
Ulundurpet Taluk
Kallakurichi District

Respondents in both WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the order of refusal numbers RFL/Elavanasoor/59/2023 dated 05.07.2023 and RFL/Elavanasoor/58/2023 dated 05.07.2023, respectively, issued by the Sub-Registrar, Elavanasoor, Ulundurpet Taluk, the 3rd respondent herein, thereby refusing to register the settlement deeds dated 05.06.2023 executed by the petitioner to and in favour of his younger son Syed Shajib and Syed Shajahan, respectively, and quash the same and consequently, direct the 3rd respondent to register the said settlement deeds.

For Petitioners in both WPs Mr. T.R. Sathiya Mohan

For respondent in both WPs Mr. Yogesh Kannadasan
Special Government Pleader



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approach the civil Court to establish his right and not a person, who had already purchased the property. In such view of the matter, the instruction to the petitioner to go to the civil Court and establish his right and then, come for registration, is not valid in the eye of law.

6. Further, mere filing of an application under Section 77-A of the Act alleging fraudulent transaction, one cannot deprive the land owner from dealing with the property. Hence, the refusal slips, on the face of them, cannot be sustained and the same are set aside and the 3rd respondent is directed to register the Settlement Deeds of the petitioner, within a week's time from the date of receipt of a copy of this order.

With the above direction, these writ petitions are allowed. No costs. Connected miscellaneous petitions are closed.

11.06.2024

gya

Index : Yes/No

Neutral Citation : Yes/No



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N.SATHISH KUMAR, J.

gya

To

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