



W.P.(MD)No.4229 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4229 of 2024

A.Rahumath Ameena

... Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Ramanathapuram District.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders / check slips passed by the 2nd respondent in RFL/Keelakarai/128/2023 and RFL/Keelakarai/129/2023 dated 13.12.2023 and quash the same and consequently direct the 2nd respondent to register the who sale deeds dated 30.11.2023 and release the same within a time stipulated by this Court.



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For Petitioner : Mr.M.Kaliraj

For Respondents : Mrs.D.Farajana Ghoushia,
Spl. Government Pleader.

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ORDER

Heard both sides.

2.The writ petitioner purchased the property from one Abdulla Sahib vide sale deed dated 07.02.2022. One Mohammed Mujahid Hussain questioned the sale deed executed in favour of the writ petitioner by filing a petition before the District Registrar (Administration), Ramanathapuram. He also filed W.P.(MD)No.22243 of 2023. The writ petition was disposed on 12.09.2023 in the following terms:

“6.The complaint of this petitioner has been entertained by the District Registrar, Ramanathapuram and notice was issued to the private respondents herein. The enquiry is pending from the month of July 2022 without any progress for want of response by the private respondents Therefore, this writ petition is disposed of with a direction to the District Registrar, Ramanathapuram/the third respondent herein to conclude the proceedings within a period of eight weeks from the date of receipt of a copy of this



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order. The District Registrar shall also issue necessary instructions to the respondents 4 & 5 not to register any documents pending the enquiry. No costs. Consequently, connected Miscellaneous Petition is closed.”

3.At this stage, the sale deed executed by the petitioner was presented for registration. The registration was refused and the registering authority issued the impugned refusal check slip. Challenging the same, this writ petition came to be filed.

4.I must straightaway observe that the impugned refusal check slip was rightly issued. It is in consonance with the direction given by this Court in W.P.(MD)No.22243 of 2023.

5.But the learned counsel for the petitioner would point out that the enquiry before the first respondent was concluded on 08.01.2024. The first respondent passed order relegating the complainant to go before the jurisdictional Civil Court.

6.The learned counsel for the petitioner states that the complainant had earlier filed a partition suit in O.S.No.166 of 2023 on the file of the Sub Court,



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Ramanathapuram. Unless the said complainant obtains restraint order from the jurisdictional Civil Court, registration cannot be refused.

7.The petitioner is permitted to re-present the document in question. The same will be received by the second respondent, registered and released subject to fulfilment of usual formalities. The second respondent will be justified in refusing registration only if the rival party has obtained a restraint order and not otherwise.

8.Even though the impugned order is sustained, relief is granted to the writ petitioner in the aforesaid terms. This writ petition is disposed of accordingly. No costs.

05.04.2024

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

- 1.The District Registrar,
Department of Registration,
Ramanathapuram District.
- 2.The Sub Registrar,
Keelakarai Sub Registrar Office,
Keelakarai,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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