



W.P(MD)No.6295 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.6295 of 2023

K.M.S.Mohamed Kani

... Petitioner

Vs.

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

2.The Sub Registrar,
Kadayam, Tirunelveli District.

3.K.M.S.Mohamed Mustafa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's objection before registering any document in respect of properties situated in S.Nos.244/1, 244/2A, 244/2B1 in South Kadayam Village, Tirunelveli by considering the representation of the petitioner dated 27.02.2023.

For Petitioner : Mr.C.Susi Kumar

For R1 & R2 : Mr.C.Satheesh,
Government Advocate

For R3 : Mr.H.Arumugam



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ORDER

This Writ Petition is filed, seeking a direction to the respondents 1 and 2 to consider the petitioner's objection before registering any document in respect of properties situated in S.Nos.244/1, 244/2A, 244/2B1 in South Kadayam Village, Tirunelveli, by considering the representation of the petitioner dated 27.02.2023.

2.It is the case of the petitioner that the property in question belonged to the father of the petitioner. The 3rd respondent, who is none other than the brother of the petitioner, had fraudulently executed a settlement deed in Kerala by forging the signature of his father and based on that document, now, he is trying to sell some portion of the property in question. Therefore, the petitioner has given a representation dated 27.02.2023 to the official respondents, not to register any document with regard to the property in question. Since the same has not been considered so far, the petitioner has filed this Writ Petition.

3.The learned counsel for the 3rd respondent would submit that the petitioner has already filed a suit in O.S.No.153 of 2017, seeking partition on the file of the 4th Additional District Court, Tirunelveli and thereafter, has



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withdrawn the same. Now, by way of objections, the petitioner cannot stall the proceedings.

4.At the outset, this Court is of the view that when the very document has not been challenged in the manner known to law, merely on the basis of the objections, any registration cannot be refused. It is for the petitioner to establish that said document is forged one before the appropriate civil Court.

5.With the above observation, this Writ Petition is dismissed. No costs.

27.08.2024

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

Yuva

To

- 1.The District Registrar,
O/o. The District Registrar,
Tirunelveli District.
- 2.The Sub Registrar,
Kadayam, Tirunelveli District.



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