



W.P(MD)No.15208 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.15208 of 2024

and

W.M.P(MD)Nos.13310, 13311 & 13312 of 2024

Gangatharan

... Petitioner

Vs

The Sub Registrar,
O/o.The Sub Registrar Office,
Mudukalathur,
Ramanathapuram District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned receipt issued by the respondent in his Receipt No.1081 of 2024 dated 30.05.2024 and quash the same as illegal and consequently to direct the respondent to register and release the sale deed presented on 30.05.2024.

For Petitioner : Mr.A.Nawaz Khan
for M/s.Ajmal Associates

For Respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

This Writ Petition has been filed by the petitioner challenging the receipt dated 30.05.2024 issued by the respondent in respect of Receipt No.1084 of 2024 and kept the sale deed dated 30.05.2024 as a pending document.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The property comprised in Survey No.257/1C to an extent of 38 cents situated at Mela Mudukaluthur Village, Ramanathapuram District belonged to one Ramakrishnan. It was purchased by the registered sale deed dated 19.08.1998. He died and his legal heirs derived title over the property. From the legal heirs, the petitioner purchased the subject property by execution of the sale deed dated 30.05.2024 and presented for registration. However, it was kept pending without registration on the ground that one Gnanasekar submitted an objection to register the sale deed.



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4.It is seen that the said Gnanasekar filed a suit for partition in O.S.No.3 of 2022 on the file of the Additional District Court, Paramakudi in respect of the property comprised in several survey numbers including the subject property comprised in Survey No.257/1C situated at Mela Mudukaluthur Village, Ramanathapuram District. However, no interim order was granted in respect of the subject property for alienation. If there is any objection, the respondent ought to have conducted an enquiry and passed appropriate orders, after giving an opportunity of hearing without keeping the document as pending.

5.In view of the above, the respondent is directed to conduct an enquiry, after issuance of notice to the petitioner and counterparties and after affording an opportunity of hearing to them and pass orders on merits and in accordance with law on the sale deed presented for registration within a period of two weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. It is also made clear that mere pendency of the suit is not an impediment for the registering authority to register any deed unless and otherwise any restraining order is passed by the authority, the registering authority can very well register the document. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

29.11.2024

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

The Sub Registrar,
O/o.The Sub Registrar Office,
Mudukalathur,
Ramanathapuram District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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29.11.2024