



W.P.(MD)No.20791 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20791 of 2024
and WMP(MD) Nos.17606, 17608 & 17611 of 2024

Radhakrishnan

... Petitioner

Vs

The Sub-Registrar,
O/o. the Sub Registrar Office,
Thirumayam, Pudukottai District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Receipt issued by the Respondent in his Receipt No. 3898/2024 dated 09.07.2024 and quash the same as illegal and consequentially to direct the Respondent to register and release the Settlement Deed presented on 09.07.2024 within the period that may be stipulated by this Court.

For Petitioner

: Mr. A.Nawazkhan

for M/s.Ajmal Associates

For Respondent

: Mr.P.Subbaraj

Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the impugned Receipt issued by the Respondent in Receipt No. 3898/2024 dated 09.07.2024 and quash the same as illegal and consequentially to direct the Respondent to register and release the Settlement Deed presented on 09.07.2024 within the period stipulated by this Court.

2.Heard Mr.A.Nawazkhan, learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondent. Perused the materials available on record.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. It is the case of the writ petitioner that the petitioner has presented the settlement deed executed in favour of his son before the respondent on 09.07.2024. However, the said document has not been released and kept pending citing the protest petition. Hence, this writ petition has been filed.



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5.As the impugned order is against the very settled position of law, no counter is required.

6.So far as the issue with regard to the protest petition and the registering authorities enter into the title dispute is no longer res-integra. The issues were elaborately dealt with by this Court in ***Subramani v. Sub Registrar and another [(2024) 3 MLJ 588]*** and held that filing/pendency of a protest petition is not a bar for registration of document. In such view of the matter, the refusal cannot be sustained. Hence, the Registrar cannot refuse to register the document merely on the ground of protest petition.

7. In such view of the matter, this writ petition stands allowed and the the impugned order in Receipt No. 3898/2024 dated 09.07.2024 is set aside. The respondent is directed to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed

02.09.2024

NCC : Yes/No
Index : Yes/No
PNM



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To
The Sub-Registrar,
O/o. the Sub Registrar Office,
Thirumayam, Pudukottai District.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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