



W.P.(MD)No.24638 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24638 of 2022
and W.M.P.(MD)No.18730 of 2022

Kaamila Banu

... Petitioner

Vs.

- 1.The Deputy Inspector General of Registration,
District Register's Office Campus,
Saint Mark Road,
Sankar Colony,
Palayamkottai,
Tirunelveli District.
- 2.The District Registrar,
District Register's Office Campus,
Saint Mark Road,
Sankar Colony,
Palayamkottai,
Tirunelveli District.
- 3.The Sub Registrar,
Department of Registration,
Pettai, Tirunelveli District.
- 4.The Branch Manager,
Axis Bank,
426/469, MTH Road,
Ambattur, Chennai – 600 053.



W.P.(MD)No.24638 of 2022

5.The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli City.

6.Rahuman

7.Meera Banu

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent not to register any document in respect of the property bearing Door No.935/1A/AP, New T.S.No.935/1A13, Ward No.2, Block 9, Vettaikarankulam Street, Pettai, Tirunelveli District under Registration Act, pending disposal of her criminal case bearing Crime No.180 of 2022 on the file of the 5th respondent forthwith.

For Petitioner	: Mr.S.Palanivelayutham
For Respondents	: Mr.M.Siddharthan Addl. Govt Pleader for R1 to R3 No Appearance for R4 Mr.M.Vaikam Karunanithi, Govt. Advocate (Crl.Side) for R5

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the 3rd respondent not to register any document in respect of the property



W.P.(MD)No.24638 of 2022

bearing Door No.935/1A/AP, New T.S.No.935/1A13, Ward No.2, Block 9, Vettaikarankulam Street, Pettai, Tirunelveli District under Registration Act, pending disposal of her criminal case bearing Crime No.180 of 2022 on the file of the 5th respondent forthwith.

2. It is the case of the Writ Petitioner that taking advantage of financial crisis of the petitioner, the respondents 6 and 7 created a mortgage deed in favour of them. Hence, the petitioner made a complaint before the 5th respondent, which was registered as Crime No.180 of 2022 and the same is pending. Hence, the petitioner has filed this Writ Petition seeking direction to the 3rd respondent not to register any document in respect of the subject property, pending disposal of her criminal complaint.

3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Government Advocate (Crl. Side) appearing for the 5th respondent and perused the materials available on record.



W.P.(MD)No.24638 of 2022

4. Considering the facts and circumstances of the case, this Court is of the view that such an omnibus direction cannot be given by this Court. If any document is presented, it is the duty of the Sub Registrar to make a reasonable enquiry and the register the said document. Therefore, the prayer sought in this Writ Petition cannot be granted and therefore, this Writ Petition is liable to be set aside.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes/No
Index : Yes/No
vsm



W.P.(MD)No.24638 of 2022

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W.P.(MD)No.24638 of 2022

N.SATHISH KUMAR, J.

vsm

W.P.(MD)No.24638 of 2022

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