



W.P.(MD)No.25494 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25494 of 2024

and

W.M.P.(MD)Nos.21630 and 21631 of 2024

1.Mohideen
2.Ameer Ali

... Petitioners

Vs.

1.The District Registrar,
Sivagangai,
Sivagangai District.

2.The Sub Registrar,
Ilayangudi,
Sivagnagai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the first respondent in Se.Mu.No.136/E1/2022, dated 31.10.2022 and quash the same insofar as it describes the lands for cancellation and insofar as it prohibits registration of documents for lands in S.No.188/21 J and consequently direct the respondents to entertain and register the documents relating to lands in S.No.188/21 I 2, S.No.188/21J 1, S.No. 188/21 J 2, Ilayangudi North Village, Ilayangudi Taluk, Sivagangai District belonging to the petitioner and others.



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For Petitioners : Mr.V.R.Shanmuganathan
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition is filed challenging the proceedings of the first respondent in Se.Mu.No.136/E1/2022, dated 31.10.2022, which prohibits registration of documents for the properties in S.No.188/21 J and to direct the respondents to entertain and register the documents relating to lands in S.No. 188/21 I 2, S.No.188/21J 1, S.No.188/21 J 2, Ilayangudi North Village, Ilayangudi Taluk, Sivagangai District belonging to the petitioner and others.

2.Mr.P.Subbaraj, learned Special Government Pleader takes notice for the respondents.

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

4.The grievance of the petitioners is that with regard to the subject property, the first petitioner executed a settlement deed in favour of his three daughters. When he presented the same for registration, it was refused to be registered holding that there was an entry with regard to the subject property



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made by the District Registrar while entertaining a complaint under Section 68 (2) of the Registration Act in respect of the document bearing No.1386/2006, by which the petitioner claims title to the property.

5.The learned counsel for the petitioners submitted that the father of the petitioners had purchased a portion of the property in survey No.188/21 in the year 1947. During UDR, the property in Survey No.188/21 was subdivided into several subdivisions. Thereby, the properties in Survey Nos.188/21 I 2, J 1 and J2 are the properties of the petitioners, insofar it relates to the extent of property purchased by the petitioners' father. With regard to the said property, the family members of the petitioners have entered into a partition and they are in enjoyment of the same. While so, one Nagoor Gani, son of Chinnathambi Ambalam had lodged a complaint as if one Jennathul Kuruba had created false documents with regard to the property in Survey No.1881/21 I. Based on the same, enquiry was conducted and the parties were relegated to approach the civil Court. However, in the said order, it was directed to make an entry in the relevant Register that no further document should be registered with regard to the said property, which was not at all related to the petitioners' property. Taking note of the said entry, the document presented by the petitioner was refused to be registered.



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6.As rightly pointed out by the petitioners, the proceedings initiated for cancelling the document bearing document No.1386 of 2006 is relating to the the property in Survey No.188/ 21 I. The document was not executed by the petitioners with regard to the properties in Survey No.188/21 J. Therefore, the order impugned in this writ petition is nothing but a clear non application of mind. When the petitioners presented the document in respect of survey No. 188/21 J, which has no relevance to the document challenged by the said Nagoor Gani, the authorities ought not to have refused to register the same.

7.In view of the above deliberations, the refusal made by the first respondent vide order dated 31.10.2022 is set aside and this writ petition is allowed. The first respondent is directed to register the document presented by the petitioners within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2024

NCC:yes/no
Index:yes/no
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- To
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Sivagangai District.
 - 2.The Sub Registrar,
Ilayangudi,
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N.SATHISH KUMAR, J.

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