



WP(MD). No.24668 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24668 of 2023

Shahul Hameed .J

... Petitioner

Vs

1. The Inspector General of Registration, Registration Department,
100, Santhome High Road,
Pattinampakkam, Chennai.

2. The District Registrar,
O/o. the District Registrar
Registration, Cantonment, Trichy 620 001.

3. The Sub Registrar,
O/o. the Sub Registrar, Manapparai,
Trichy District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 3rd respondent to release the document registered by the petitioner in Doc.no.P/Manapparai/135/2023 on the file of 3rd respondent Sub-Registrar Office based upon the representation of the petitioner dated 24.08.2023.



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For Petitioner : Mr.S.Ramsundarvijayraj,

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The writ petition has been filed for a mandamus directing the 3rd respondent to release the document registered by the petitioner in Doc.no.P/Manapparai/135/2023 on the file of 3rd respondent Sub-Registrar Office based upon the representation of the petitioner dated 24.08.2023.

2. The petitioner has executed a settlement deed on 10.04.2023 in favour of his wife. The document has been registered. However, the same has not been released and hence, the petitioner is before this Court.

3. In the counter filed by the respondents, in Paragraph No.7, the respondents took a stand as follows:

“7. I respectfully submit that the averments made in paras 4 to 7 of the affidavit of the petitioner are denied as not correct. The land in survey No. 442/4A stands in the name of Tmt.Pathimuthjohar (1), Tmt. Vahitha Sameem (2) Thiru Bhaseer Ali (3) and Shakul



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Hameed (4) in patta No.844 of Puthanatham village. The petitioner has executed the gift deed in favour of his wife without the consent of the coparceners and so not valid. Moreover, one Thiru A.M.Sharfudeen has filed an objection petition for registering the document alleging that after the demise of Thiru Jamal, his wife and sister had executed a "Hiba" (Gift) deed in favour "Madharasa Manakkadu Mussa Adha Madharasa", Puthanatham village and the said property in survey No. 442/4A extent 0.41.5 hectares which is in possession of the Madharasa. Hence, the gift document of the petitioner was kept as pending document for enquiry.”

4. At the outset, this Court is of the view that having the document registered, merely on the basis of some objection raised by co-owners and some third parties, claiming right on the basis of hiba, the document cannot be kept pending. It is for the authorities to decide the issue. Some third party claiming right on the basis of hiba will have to agitate the issue in the manner known to law before the competent civil Court and that objection cannot be entertained by the authorities. The authorities cannot act as an agent of the obstructors or third parties and keep the document pending and exparte set aside. Such attitude is highly



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deprecated. The third respondent is directed to release the document within a period of seven days from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

19.09.2024

RR

TO

1. The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Pattinampakkam,
Chennai.

2. The District Registrar,
O/o. the District Registrar Registration,
Cantonment, Trichy 620 001.

3. The Sub Registrar,
O/o. the Sub Registrar,
Manapparai,
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