



W.P(MD)No.25346 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25346 of 2023

V.T.S.A.Mameed Hussian

... Petitioner

-Vs-

1.The District Registrar,
Palayamkottai District Registrar's Office,
Kokkirakulam, Tirunelveli – 627 009.

2.The Joint I Sub Registrar,
Palayamkottai District Registrar's Office,
Kokkirakulam, Tirunelveli – 627 009.

3.S.Abdul Althaf

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the second respondent to register and release the petitioner's document in No.P98/2023 pending on the file of the 2nd respondent within a time framed as stipulated by this Court.

For Petitioner

: Mr.Mukunth
Senior Counsel for
M/s KV Law Firm



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For Respondents

: Mr.S.Shanmugavel
Addl. Govt. Pleader (for R1 & R2)

Mr.B.Kumar
Senior Counsel (for R3)

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the second respondent to register and release the petitioner's document in No.P98/2023 pending on the file of the 2nd respondent within the stipulated time.

2. The case of the petitioner is that he is the absolute owner of the property in R.S.No.231/3B in Vijayaraghava Mudaliyar Chathiram Village, Palayamkottai, Tirunelveli District. The subject matter property originally owned by the petitioner's mother and she has executed a registered settlement deed dated 31.05.2023 in his favour. The petitioner is intending to sell the subject matter property. Hence, he entered into a sale agreement dated 02.09.2023 with one Mohamed Arif Khan. The petitioner has presented the said sale agreement for registration before the second respondent. However, the same is pending for the reason that there is an objection petition filed by the third respondent dated 26.06.2023 in Petition



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No.48/2023. The third respondent is the petitioner's deceased elder brother's son. The second respondent fixed the hearing for enquiry on 08.09.2023 at 04.30 p.m and the petitioner and the intended purchaser have participated the enquiry and the petitioner has filed a detailed reply along with copy of the documents. However, till date, the second respondent has not registered and released the pending document. In the objection petition, it has been stated that the third respondent's father has rights upon the subject matter property and this Court has restrained alienation of the property vide order dated 01.04.2021 made in CrI.O.P(MD)No.16032 of 2020.

3. The further case of the petitioner is that the father of the third respondent gave a false police complaint before the District Crime Branch, Tirunelveli and the same was registered as Crime No.15 of 2020 under Sections 120B, 467, 468, 471, 419 and 420 IPC. In that case, this Court granted anticipatory bail to all the accused including the petitioner. Further, this Court referred the matter to the mediation and a retired Judge was appointed as Arbitrator. This Court imposed conditions not to alienate the properties till the disposal of the arbitration. The father of the third



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respondent filed a claim petition before the Arbitrator and the schedule of the claim petition does not include the subject matter property and as such, it means that the father of the third respondent does not have any claim upon the subject matter property. Moreover, the subject matter property was owned absolutely by the petitioner's mother. Hence, the objection petition has no legs to stand. Since the second respondent has not registered the sale deed, the petitioner has filed the present writ petition.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the second respondent has conducted part of the enquiry and it was adjourned for further enquiry. He would further that the second respondent seeks four weeks time to complete the enquiry and thereafter, based on the out come of the enquiry, appropriate orders will be passed.

5. In view of the above submission, the second respondent is directed to complete the enquiry on or before 10.02.2024 and pass appropriate orders on or before 15.02.2024. Both parties are directed to cooperate for the further enquiry to be conducted.



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6. With the above direction, this writ petition is disposed of. No costs.

04.01.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn

To

1.The District Registrar,
Palayamkottai District Registrar's Office,
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2.The Joint I Sub Registrar,
Palayamkottai District Registrar's Office,
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V.BHAVANI SUBBAROYAN, J.

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