



W.P (MD).No.209 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.209 of 2025

Sheik Mohamed

... Petitioner

Vs.

The Sub Registrar,
Kadayam Sub-Registrar Office,
Tenkasi District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal Check Slip in Refusal Number RFL/Kadayam/81/2024 dated 23.12.2024 was issued by the respondent and quash the same as illegal and consequently direct the respondent to register the petitioner's settlement deed, dated 12.12.2024 in respect of the properties of land in Sy.No.17/3 to an extent of 202.26 sq.mtr at eastern side out of 15 cents situated at South Kadayam Village, Kadayam Sub Registration Circle, Cheranmahadevi Registration District, Tirunelveli District within a stipulated period as framed by this Court.

For Petitioner	: Mr.A.Sankaramasubramanian
For Respondent	: Mr.S.P.Maharajan Special Government Pleader



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent dated 23.12.2024 thereby refused to register the settlement deed dated 12.12.2024 on the ground that the objection received from the Executive Office of the Arulmigu Vilwanatha Swami Temple, Kadayam is pending.

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

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The properties comprised in Sy.No.17/3 to an extent of 10 cents and Sy.No.17/3 to an extent of 5 cents situated at South Kadayam Village, Cheranmahadevi Registration District, Tirunelveli District was originally belongs to one Pakker Mohideen Rovuthar. The said Pakker Mohideen Rovuthar purchased the said land vide documents No.1817/1962 and 75/1964. Thereafter, the said Pakker Mohideen Rovuthar died leaving behind his legal heir namely, Mohamed Nainar. As a legal heir, the said Mohamed Nainar



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executed a sale deed dated 19.07.2002 vide Doc.No.1907/2002 in respect of the above said 15 cents in favour of two persons namely, 1. Pitchammal Begam, 2. Sheik Mohamed for valuable consideration. Subsequently, a rectification deed also executed by one Shahul Hameed S/o.Mohamed Nainar on 04.08.2021 jointly in favour of Pitchammal Begam and the petitioner. Thereafter, the said Pitchammal Begam executed a relinquishment deed dated 30.11.2021 in respect of her half share in Sy.No.17/3 to the extent of 10 cents and Sy.No.17/3 to an extent of 5 cents situated at South Kadayam Village, Kadayam Sub Registration Circle, Cheranmahadevi Registration District, Tirunelveli District in favour of the petitioner. In the meantime, patta also issued in Patta No.880 in respect of the said properties. Thereafter, the petitioner had executed the settlement deed in respect of the portion of the subject property comprised in 17/3 to an extent of 202.26 sq.mtr at eastern side portion out of 15 cents, situated at South Kadayam Village, Tirunelveli District in favour of his mother and presented the same for registration. However, it was refused to register on the ground that the objections were received from the Executive Office of the Arulmigu Vilwanatha Swami Temple, Kadayam in the year 2021 in respect of the registration of any deed of conveyance of the subject property.



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5. On perusal of the records and also on the written instructions submitted by the learned Special Government Pleader appearing for the respondent revealed that after receipt of the objections, the concerned objector did not produce any document to prove his title in respect of the subject property, even then they refused to receive the same. As per recent circular issued by the Inspector General of Registration, Chennai, dated 12.07.2024 cited the earlier circular dated 04.10.2018 the registering authorities are instructed to return the protest petitions forthwith which are submitted without any documentary evidences. Further, the protest petition submitted by genuine owner of the property along with necessary proof towards his title over the property alone be taken into consideration. If any registering authority is found to have pass an order of refusal on the ground of submission of a mere protest petition without any documentary evidence, then severe disciplinary actions will be taken as against the registering authority.

6. On perusal of the impugned order revealed that after submission of the objections, the temple authorities did not come forward to produce any document to prove their title over the subject property even then, the registering authority directing the petitioner to obtain No Objection Certificate from the concerned department to deal with the property as against the circular issued by



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the Inspector General of Registration and as against the orders passed by this Court.

7. In view of the above, this Court finds infirmity in the order passed by the third respondent, dated 23.12.2024 and it cannot be sustained and liable to be quashed.

8. Accordingly, the order of the respondent dated 23.12.2024 is quashed and the writ petition is allowed. The petitioner is directed to represent the settlement deed for registration before the respondent and on receipt of the same, the respondent is directed to register the same and release the document forthwith, if it is otherwise in order. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
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06.01.2025

To

The Sub Registrar,
Kadayam Sub-Registrar Office,
Tenkasi District.



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G.K.ILANTHIRAIYAN, J.

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