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W.P(MD)No.28266 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28266 of 2025

&

W.M.P.(MD)No.21977 of 2025

A.Isithore

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar Office,
Polpettai, Thoothukudi,
Thoothukudi District.

2.The Sub-Registrar,
Office of the Sub-Registrar Office,
Polpettai, Melur, Thoothukudi,
Thoothukudi District.

3.A.K.Seenivasan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned orders in refusal Check Slip Nos in RFL/Melur thoothukudi/book 2/2/and RFL/Melur thoothukudi/book 2/3 issued by the 2nd respondent dated 10.09.2025 and quash the same and consequently direct the 2nd respondent to register the sale deed dated 29.07.2025 presented for registration in favour of the petitioner within a period of stipulated time frame fixed by this Court.



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For Petitioner : Mr.J.Joseph Zinoson

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader
for R1 & R2

: Mr.S.Muthumalai Raja
for R3

ORDER

Heard both sides.

2. The sale deeds dated 29.07.2025 were executed by one Shanthi in favour of the writ petitioner herein. The sale deeds were registered as Document Nos.37 & 38 of 2025 by the second respondent herein. But they were not released on account of the objection raised by the third respondent. Challenging the non-release of the registered documents, the petitioner herein filed W.P.(MD)No.24691 of 2025. When the writ petition was taken up for hearing, the registering officer issued the refusal check slip dated 09.09.2025. In view of the same, the earlier writ petition was closed as infructuous. Challenging the refusal check slip, this writ petition has been filed.



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3. The stand of the Additional Government Pleader is that the writ petitioner's vendor has only an undivided share in the suit property in view of the decree made in O.S.No.251/2003 and that therefore, suppressing the same, the writ petitioner's vendor could not have alienated the entire property.

4. I am not impressed by the objections raised by the respondents. This is for more than one reason. Admittedly, the property belonged to one Arunachalakani. The petitioner's vendor Shanthi traces her title to the settlement deed dated 13.08.2021 executed by her mother A.K.Subbulakshmi. It was registered as Document No.3229 of 2021. The petitioner has enclosed the copy of the legal heir certificate of late Arunachalakani who passed away on 04.11.1997. The certificate issued by the Tahsildar, Thoothukudi indicate that Arunachalakani died leaving behind his wife Subbulakshmi, Saraswathi, Shanthi & Velayutham and children as his surviving legal heirs. A.K.Seenivasan nowhere figured in the picture. Be that as it may, A.K.Seenivasan and two others filed O.S.No.142/2023 on the file of the Principal District Judge, Thoothukudi claiming the relief of partition. The writ petitioner's vendor Shanthi was shown as the fourth respondent. The other legal heirs of Arunachalakani figured as D1 to D3. The suit was dismissed as not pressed on 23.07.2024. It is not a case of dismissal of the suit for default.



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On the other hand, by filing a memo and recording the same, the suit came to be dismissed as not pressed.

5. In these circumstances, the third respondent may not really have any right to stall the registration process. It has been held time and again that mere lodging of objection by anybody cannot be a ground for refusing to register. Admittedly, the third respondent herein has not produced any restraint order before the registering authority. No restraint order issued by the competent civil Court has been produced before me also.

6. In these circumstances, withholding of the registered document by the second respondent can only be termed as plainly unreasonable. The second respondent will immediately release the petition mentioned document to the writ petitioner without any further delay. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2025

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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