



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 29411 of 2026

Mirza Abdul Azeez Khaleeli
Son of Late M A C khaleeli
Flat No. G3, Cambrae Hall
Door No.72, Dr.P.V.Chерian Crescent Road
Egmore, Chennai 600008.

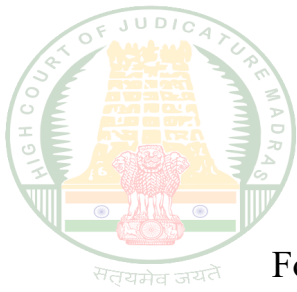
..Petitioner(s)

Vs

The Sub Registrar
Office of the Periamet Sub-Registrar
Chennai District.

..Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India seeking the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned Refusal letter bearing Refusal Number, RFL/Periamet/51/2026 dated 20/04/2026 issued by the respondent and quash the same and direct, the respondent to entertain the petitioner's and application of registration of Settlement Deed under T.P.No.267786034/2026 to one Mikhail Azeez Khaleeli, son of Mirza Abdul Azeez Khaleeli, Muslim, residing at Flat No. 1D Cambrae Hall, Door No.72, Dr. P.V. Cherian Crescent Road, Egmore Chennai - 600 068.



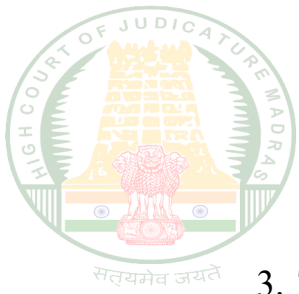
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For Petitioner(s): Mr.B.Eswaran
for M/s.Swaraj Associates
For Respondent(s): Mr.Dominic S. David
Government's Counsel

ORDER

The present Writ Petition has been filed challenging the Refusal Check Slip dated 20.04.2026 issued by the respondent.

2. The learned counsel further submitted that the petitioner's grandmother was the absolute owner of an extent of 2 grounds and 781 sq.ft. of land, along with other properties, inherited from her husband. She orally gifted (HIBA) the subject property to the petitioner, and the said oral gift was subsequently confirmed by a written Confirmation of HIBA dated 01.04.1975. Pursuant thereto, the petitioner effected mutation of the revenue records and obtained manual patta in his name on 10.09.1993. The petitioner thereafter intended to execute a Settlement Deed in favour of his son. However, when the Settlement Deed was presented for registration, the respondent refused registration by insisting upon production of the original parent document. Aggrieved by the said refusal, the petitioner has approached this Court.

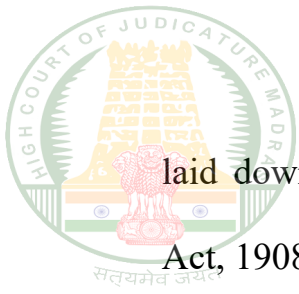


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3. The learned Government Counsel appearing for the respondent fairly submitted that the issue is no longer res integra, in view of the judgment of the Division Bench of this Court in *M/s. Dugars, represented by its Partners v. State of Tamil Nadu and Others [W.P.(MD) No.7415 of 2026 etc., batch, dated 23.06.2026]*, wherein Section 34-C of the Registration Act, 1908 was declared unconstitutional. It was further submitted that there is no legal impediment to registering the Settlement Deed without insisting upon production of the original parent document.

4. This Court has carefully considered the submissions made on either side and perused the materials available on record.

5. In the present case, the petitioner acquired title to the property by way of HIBA from his grandmother and has been in possession pursuant thereto, with the revenue records standing in his name. The petitioner now proposes to settle the property in favour of his son. In such circumstances, the respondent's refusal to register the Settlement Deed solely on the ground of non-production of the original parent document is unsustainable, particularly in view of the law



laid down by the Division Bench declaring Section 34-C of the Registration Act, 1908 as unconstitutional.

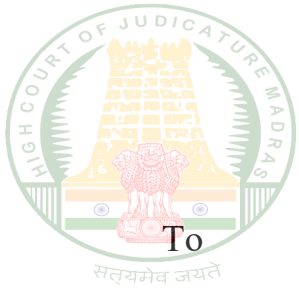
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6. Accordingly, this Court holds that the respondent was not justified in insisting upon production of the original parent document. The impugned Refusal Check Slip dated 20.04.2026 is liable to be set aside and accordingly, the same is set aside. While setting aside the impugned order, the petitioner is directed to re-present the Settlement Deed for registration. Upon such re-presentation, the respondent/Sub-Registrar shall register the document, if it is otherwise in order, without insisting upon production of the original parent document.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

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To

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Office of the Periamet Sub-Registrar
Chennai District.



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KRISHNAN RAMASAMY, J.

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