



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.09.2019

coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.26859 of 2019
& W.M.P.No.26275 of 2019

K.M.Ahamadhullah Badsha,
S/o.Late K.M.Akbar Basha Shahib,
No.96, Neruppu Medu, Alandur Road,
Saidapet, Chennai - 600 015.

... Petitioner

/versus/

1. The Sub - Registrar,
Office of the Sub - Registrar,
Kodambakkam,
Chennai - 600 026.

2. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai - 600 004.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records relating to the order/Refusal Check Slip No.RFL/Kodambakkam/4/2019, dated 11.07.2019 issued by the 1st respondent and quash the same and directing the 1st respondent to register the document namely the Deed of Release dated 11.07.2019 presented for registration in respect of the petitioner's half undivided share in the property more fully described in the Schedule hereunder executed by the petitioner K.M.Ahamadhullah Badhsa in favour of his brother K.M.Azamthullah Badsha and return the document to the petitioner after completing all the formalities of the registration.

For Petitioner : Mr.N.P.Kumar

For R1 & R2 : Mr.T.M.Pappiah,
Special Government Pleader

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O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The grievance of the petitioner is that, the document presented for registration by the petitioner has been rejected by the Sub Registrar, Kodambakkam, on the ground that the petitioner has not produced the parent document of the year

1940 and in the patta, there are two other names which causes doubt regarding the genuineness of the document.

3. According to the petitioner, the parent document of the year 1940 has lost and he has given the complaint in this regard and relevant documents regarding police complaint, Not Traceable Certificate and public publication has also been enclosed for consideration of the Sub-Registrar, Kodambakkam. As far as, the two names which the respondent mentions in the impugned order are none other than his father and mother, who are no more and their death certificates are enclosed along with the legal heir certificate.

4. In such circumstances, the reasoning for rejecting the registration appears to be improper. The petitioner is entitled to get the deed registered having establish the right to execute the deed. Hence, the 1st respondent/Sub-Registrar, Kodambakkam, is hereby directed to receive the document and register the same on obtaining proper affidavit from the petitioner in respect of the parent document and reason for inclusion of two names in the patta.

5. Accordingly, the Writ Petition is Allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

bsm

To

1. The Sub - Registrar,
Office of the Sub - Registrar,
Kodambakkam,
Chennai - 600 026.

2. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai - 600 004.

+1 CC to Mr.N.P.Kumar, Advocate sr 80023.

+1 CC to Govt. Pleader sr 80769.

W.P.No.26859 of 2019

SP(25/09/2019)