



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.13112 of 2020

and

WMP.No.16238 of 2020

H.K.Atheequ Ahamed

...Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai 600 028

2. The Sub Registrar,
Gudiyatham,
Vellore District

3.H.K.Mashood Ahamed

4.H.K.Ashfaqh Ahamed

5.H.K.Wasif Ahamed

6.H.K.Qualid Ahamed

7.H.K.Suhail Ahamed

8.H.K.Imthiyas Ahamed

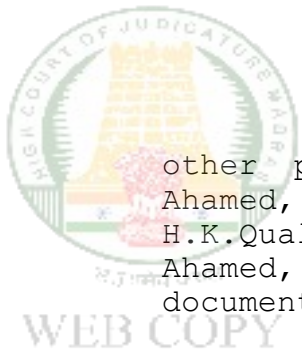
9.N.Boganathan

10.R.Murthy

(R3 to 10 impleaded vide order dated
11.01.2022 in WMP.No.17030 of 2020
in WP.No.13112 of 2020)

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the second respondent from registering any document in respect of the properties owned by the family partnership firm M/s.Hakam Sons, situated in Gudiyatham, viz., covered under the Sale Agreement dated 02.07.2020 entered into between the



other partners of M/s.Hakeem & Sons, viz., (1) H.K.Mashood Ahamed, (2) H.K.Ashfaqh Ahamed, (3) H.K.Wasif Ahamed, (4) H.K.Qualid Ahamed, (5) H.K.Suhali Ahamed, (6) H.K.Imthiyas Ahamed, and Mr.Boganathan, and Mr.R.Murthy, registered as document No.4265 of 2020, at the Office of the 2nd respondent.

For Petitioner : Mr.K.Venkatesan

For Respondents

For R1 & 2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition is filed for direction forbearing the second respondent from registering any document in respect of the properties owned by the family partnership firm M/s.Hakam Sons, situated in Gudiyatham, viz., covered under the Sale Agreement dated 02.07.2020 entered into between the other partners of M/s.Hakeem & Sons, viz., (1) H.K.Mashood Ahamed, (2) H.K.Ashfaqh Ahamed, (3) H.K.Wasif Ahamed, (4) H.K.Qualid Ahamed, (5) H.K.Suhali Ahamed, (6) H.K.Imthiyas Ahamed, and Mr.Boganathan, and Mr.R.Murthy, registered as document No.4265 of 2020, at the Office of the 2nd respondent.

2. The case of the petitioner is that he is one of the partner of the partnership firm called M/s.Hakeem & Sons. However, other partners, without knowledge and consent of the petitioner, have executed general power of attorney in favour of one, Boganathan, and R.Murthy and registered vide document No.2418 of 2020. Therefore, the petitioner submitted objections requesting the Inspector General of Registration to issue necessary direction to the second respondent not to register any document pertaining to the properties owned by the partnership firm. In spite of the said objections, the power holders have entered into agreement for sale to sell the property belongs to the partnership firm with the third party and the same was registered vide document No.4265 of 2020. In pursuant to the agreement for sale, now the power holders are trying to execute sale deed in favour of the third party and proposed to register the same.

3. Admittedly, the dispute is between the petitioner and other partners. Therefore, the petitioner has to approach the competent civil court for appropriate relief as against the other partners in respect of property belongs to the partnership firm. However, if any documents presented for registration in respect of the property belongs to the partnership firm, the second respondent is directed to issue notice to the petitioner and the respondents 3 to 10 herein and conduct enquiry and,



after giving them opportunity of hearing, pass orders either to register the same or to reject the same.

4. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai 600 028

2. The Sub Registrar,
Gudiyatham,
Vellore District

+1cc to Mr.K.Venkatesan, Advocate, S.R.No.2638

+1cc to the Government Pleader, S.R.No.3001

WP.No.13112 of 2020

SMI (CO)
RGA (28/03/2022)