



Writ Petition No.32889 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32889 of 2022

Fathima

W/o.Mujeebur Rahaman

..Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.

2.The District Registrar,
Chennai South,
Nandanam, Chennai - 600 035.

3.The Sub Registrar,
Alandur, Chennai - 16.

4.Suresh Nair,
S/o.K.Gopal

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to register the Sale Deed dated 23.09.2022 executed by the fourth respondent in my favour.



Writ Petition No.32889 of 2022

For Petitioner : Mr.D.Baskar
for Mr.K.Meenakshisundaram

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
[R1 to R3]

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents 1 to 3 to register the Sale Deed dated 23.09.2022 executed by the fourth respondent in favour of the petitioner.

2. The petitioner has presented a sale deed of an immovable property for registration to the third respondent, which was refused to be entertained for registration on the ground that in the parent document, the name of the petitioner's vendor is Suresh Gopal, but, it was subsequently converted into Suresh Nair. In this regard, whether both persons are one and the same has to be verified and vouched and therefore, in order to get a Gazette notification to be issued by the said vendor viz., Suresh Nair with regard to change of his name and in order to avoid impersonation, the third respondent wanted the petitioner to produce such a document.

3. The difficulty expressed by the petitioner was that the petitioner



Writ Petition No.32889 of 2022

was residing in Karnataka, where, according to the petitioner, there has been no procedure for issuing any such Gazette notification for private persons other than Government employees. Citing that as a reason for not producing such document, the petitioner sought to register the document, since it was refused, the petitioner has no other option and hence, approached this Court by filing the present writ petition.

4. Heard Mr.D.Baskar, the learned counsel for the petitioner, who would submit that though other documents like Aadhar Card, passport, to establish the identity of the petitioner had been filed that were not accepted and the third respondent insisted for production of Gazette notification for change of the name of the petitioner's vendor, which may not be feasible.

5. Learned Special Government Pleader appearing for the respondents 1 to 3 submitted that in order to avoid impersonation and fraudulent transaction, such kind of documents could not be registered and in view of the latest provision, which has been amended in the Registration Act, the third respondent has not accepted the document



without the Gazette notification. Such kind of measures have been taken by the third respondent only to ensure fair registration without giving any room for impersonation or fraudulent transaction, he contended.

6. I have considered the rival submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

7. Insofar as getting the Gazette notification for change of name of the petitioner's vendor, it may not be a difficult job to do. Therefore, within a reasonable period, the document could be produced before the third respondent. In the mean while, this Court feels that the document presented by the petitioner can be registered and the same can be kept as a pending document till production of the Gazette notification as required by the third respondent, who on receipt of the same, will release the document.

8. In that view of the matter, this Court is inclined to dispose of



Writ Petition No.32889 of 2022

this writ petition with the following order:

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That there shall be a direction to the third respondent to accept the document to be presented by the petitioner and register the same as a pending document and keep the document as a pending one till the petitioner produces the Gazette notification with regard to change of name of his vendor, who executed the sale deed.

With this direction, this Writ Petition is disposed of. No costs.

08.12.2022

Index : Yes/No

Internet:Yes

gm

To

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Nandanam, Chennai - 600 035.

3.The Sub Registrar,
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R.SURESH KUMAR., J



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Writ Petition No.32889 of 2022

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Writ Petition No.32889 of 2022

08.12.2022