



WEB COPY



W.P. No.9647 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 11.06.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.No.9647 of 2024**

S.Basheera Zakir

... Petitioner

Vs

1.The Inspector General of Registration  
Santhome, Chennai

2.The District Registrar  
Office of the District Registrar  
Tiruvallur District

3.The Sub Registrar  
Office of the Avadi Sub Registrar  
Avadi, Tiruvallur District

4.Shammu

5.Sharmila Banu

6.Thaslim

7.Rizwan Ahmed

8.G.Ebenezar Gnanasigamani

... Respondents



W.P. No.9647 of 2024

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to consider and dispose of the petitioner's representation dated 13.10.2023 submitted under Sec.77-A of the Tamil Nadu Registration Act to cancel the Sale Deed dated 31.03.2023 executed by the 4th to 7th respondents to and in favour of 8th respondent vide Document No.4824/2023 registered at the office of the 3rd respondent in respect of the property namely the ground and premises ad-measuring to an extent of 2400 sq.ft. comprised in Survey No.213/2E, situated in Vellanoor Village Madura Arikkambedu Village, Lakshmi Nagar, Ambattur Taluk, Tiruvallur District.

For Petitioner : Mr.B.Ramakrishnan

For Respondents : Mr.Yogesh Kannadasan  
Spl. Govt. Pleader for R1 to R3

### **ORDER**

This writ petition has been filed for a direction to the respondents to consider the representation of the petitioner dated 13.10.2023 and cancel the sale deed dated 31.03.2023 executed by the private respondents, namely respondents 4 to 7 in favour of the 8th respondent vide Document No.4824/2023 registered on the file of the 3rd respondent in respect of the property, namely the ground and premises ad-measuring to an extent of 2400



W.P. No.9647 of 2024

WEB COPY

sq.ft. comprised in Survey No.213/2E, situated in Vellanoor Village Madura Arikkambedu Village, Lakshmi Nagar, Ambattur Taluk, Tiruvallur District.

2. It is the case of the writ petitioner that she is the second wife of her husband. After his death, the fourth respondent has obtained a Legal Heir certificate ignoring petitioner's name. According to her, the said Legal Heir certificate is a forged one. In this regard, on an application filed by the writ petitioner, the legal heir certificate was also cancelled by the Revenue Divisional Officer. Therefore, based on the said document, any document executed, has to be cancelled under Section 77-A of the Tamil Nadu Registration Act.

3. Heard both sides and perused the materials available on record in the form of typed set of papers.

4. At the outset, on perusal of the representation of the petitioner, this court is of the view that the dispute appears to be with regard to the rights of the first and second wife and their children under Muslim law. Therefore, any document executed by the first wife and their children, sought to be cancelled,



W.P. No.9647 of 2024

the same has to be cancelled only by establishing her right in a competent civil court and not by way of her representation under Section 77-A of the Act. In such view of the matter, the direction sought by the petitioner, cannot be ordered.

5. Accordingly, the writ petition is dismissed. However, there is no order as to costs.

**11.06.2024**

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Inspector General of Registration  
Santhome, Chennai

2.The District Registrar  
Office of the District Registrar  
Tiruvallur District

3.The Sub Registrar  
Office of the Avadi Sub Registrar  
Avadi, Tiruvallur District

4.The Government Pleader  
High Court, Madras



WEB COPY



W.P. No.9647 of 2024

**N.SATHISH KUMAR, J.**

Asr

**W.P.No.9647 of 2024**

**11.06.2024**