



WP(MD). No.25842 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 10/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.25842 of 2023

Alshifa Marliya

... Petitioner

Vs

1. The Inspector of General Of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai-28.

2. The District Registrar,
O/o. the District Registrar,
Registration Department,
Trichy, Trichy District.

3. The Sub Registrar,
Joint Iii Sub Registrar Office,
Trichy District.

4. Basheer Ahamed,
S/o.A.M.Mohamed Farook,
133/c/2, Basheer Manzil,
Kakkan Colony,
Thiruverambur,
Trichy 620 013.

... Respondents



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondent no. 3 to register the sale deed related to the property situated in Ward no. F, Block no. 7, New Town Survey no. 136 with extent about 1400 sqr.ft in Ambarsha Pallivasal street, Palakkarai, Trichy District by considering the petitioner's representation dated 23.09.2023.

For Petitioner : Mr.A. Mohamed Riyaz,
For Respondents : Mr.P.Subbaraj for R1 to R3
Special Government Pleader

ORDER

The writ petition has been filed for a mandamus directing the respondent No. 3 to register the sale deed related to the property situated in Ward no. F, Block no. 7, New Town Survey no. 136 with extent about 1400 sqr.ft in Ambarsha Pallivasal street, Palakkarai, Trichy District by considering the petitioner's representation dated 23.09.2023.

2. The case of the petitioner is that the subject property belongs to the petitioner, her siblings and her mother, maternal uncle and grandmother. The father of the petitioner had already pronounced Talaq against her mother and performed 2nd marriage. In order to sell the



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property of the petitioner, the petitioner presented a sale deed before the 3rd respondent. However, the third respondent stated that consent/no objection should be obtained from the father of the petitioner and without his consent, the document could not be registered. It is the grievance of the petitioner that they are not in a position to deal with the property and hence, seeks a direction.

3. I have considered the rival submissions and perused the materials available on record.

4. When a person/other sharer is not willing to execute any document, the writ Court cannot direct the authorities to register the document. It is for the persons to work out their remedy by filing partition suit and get the shares declared in the manner known to law.

5. Accordingly, the writ petition is dismissed. No costs.

10.09.2024

NCC : Yes/No
Index : Yes/No
RR

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N.SATHISH KUMAR,J

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