



Writ Petition No.2773 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2773 of 2025

D.Kosalram
S/o.Duraisamy

... Petitioner

Vs.

1. The Inspector General of
Registration Department,
Santhome Highway,
Chennai -600 028.
2. The District Registrar,
South Chennai,
Nandanam, Chennai – 600 035.
3. The Sub-Registrar,
Joint – II, South Chennai,
Nandanam, Chennai – 600 035.
4. Elavarasan
S/o.Raghunathan
5. M/s.KG Foundation Pvt Ltd.,
Rep. By its authorized signatory
Mr.Naveen Bajaj
S/o.Sri Chand Bajaj
Ground Floor, Marble Arch
No.5, Bishop Wallers Avenue (East)
Mylapore, Chennai – 600 004.

... Respondents

Writ Petition filed under Article 226 of the Constitution of



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India seeking issuance of a Writ of Mandamus directing the third respondent to consider petitioner's representation dated 15.11.2024 to consider petitioner and petitioner's wife, Jeeva and petitioner's minor grandson Nithik as legal representatives of the deceased daughter Nisha in the Sale Deed for immovable property bearing Plot No.E2.1205, 12th Floor, Survey No.13/part, 14/part, 15/part to the extent of 223 square feet of UDS, Adayalampattu Village, Poonamallee Taluka with respect to sale agreement document No.198/2023 dated 27.01.2023.

For Petitioner : Mr.N.Suriyamuthu

For Respondents : Mr.M.Shahjahan
Special Government Pleader [R1 to R3]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the third respondent to consider the representation made by the petitioner dated 15.11.2024 wherein the petitioner has objected to the registration of any document presented by his son-in-law pursuant to the agreement of sale dated 27.01.2023.

2. Heard Mr.N.Suriyamuthu, learned counsel for petitioner and Mr.M.Shahjahan, learned Special Government Pleader appearing for respondents 1 to 3.

3. The case of the petitioner is that his daughter was married to



the fourth respondent and through the marriage, there is one male child.

The daughter of the petitioner wanted the petitioner to give her financial assistance for purchasing an immovable property. The petitioner also helped in arranging substantial funds and the amount was transferred to the bank account of the daughter. Pursuant to the same, the petitioner's daughter and her son-in-law entered into an agreement with the fifth respondent, who is the owner of the property through sale agreement and construction agreement dated 27.01.2023, which were registered as document Nos.198 and 199 of 2023.

4. The further case of the petitioner is that his daughter died on 17.07.2024 leaving behind her parents and one son. In the mean time, an attempt was made to sell the property in the name of the fourth respondent. Hence, a representation was given by the petitioner dated 15.11.2024 objecting to entertaining any document that is executed in favour of the fourth respondent. Since the representation was not considered, the present writ petition has been filed before this Court.

5. In the considered view of this Court, admittedly, the



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petitioner's daughter and the fourth respondent were the agreement holders. Therefore, if the petitioner's daughter died, by operation of law, the legal heirs will automatically get into the shoes of the deceased daughter. Hence, if any document is presented for registration, the Sub-Registrar will insist for the legal heirs of the other agreement holder to be made as a party in the sale deed. That apart, if the petitioner has any strong apprehension that the fourth respondent will misuse the sale agreement and get the entire property in his favour, it will always be left open to the petitioner to approach the competent civil Court and seek for appropriate relief. This clarity given by the Court will sufficiently take care of the interest of the petitioner and the other legal heirs of the deceased.

This writ petition is disposed of in the above terms. No costs.

05.02.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To



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N.ANAND VENKATESH, J

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