



Writ Petition No.3209 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3209 of 2025

1. Jaibunnisha
D/o.Mohammed Hanifa
2. Barkath Nisha
D/o.Mohammed Hanifa
3. Mumtaj Begum
D/o.Mohammed Hanifa

... petitioners

Vs

1. The District Registrar
District Registrar Office
Virudhachalam
Cuddalore District.
2. The Sub Registrar
Sub Registrar Office
Mangalampet
Cuddalore District.
3. Mohammed Ansari
S/o.Mohammed Hanifa

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for



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the records of the respondent in Refusal Check Slip in Refusal No.84/2025 dated 25.01.2025 and to quash the same as illegal, incompetent and ultravires and for a consequential direction to the respondent to register the sale deed dated 07.05.2024.

For Petitioners : Mr.Krishnasamy Chinnasamy
For Respondents : Mr.P.Harish
Government Advocate
for R1 and R2

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 25.01.2025 issued by the 2nd respondent and for a consequential direction to the 2nd respondent to register the sale deed executed by the petitioners dated 07.05.2024.

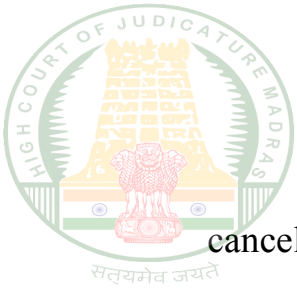
2. Heard Mr.Krishnasamy Chinnasamy, learned counsel for the petitioners and Mr.P.Harish, learned Government Advocate for the respondents 1 and 2. The third respondent has been issued with private notice twice and both times, it could not be served and it was brought to the notice of this Court that the third respondent is intentionally evading to receive Court notice and hence, there is a deemed service on the third respondent.



3. The refusal check slip has been issued by the 2nd respondent

mainly on the ground that the property was purchased by one Mohammed Hanifa through a registered sale deed dated 26.08.1996. Thereafter, he executed a settlement deed in favour of the third respondent dated 23.12.2005 by imposing a condition that the third respondent must take care of his father namely, Mohammed Hanifa. Since the third respondent failed to take care of his father Mohammed Hanifa, the settlement deed came to be cancelled by the cancellation deed dated 08.04.2008 registered as document No.688/2008. Thereafter, when the said Mohammed Hanifa wanted to deal with the property, he presented the document for registration before the second respondent and refusal check slip was issued stating that the third respondent had executed a settlement deed in favour of his wife which was registered as Document No.1059/2009 dated 29.05.2009. Therefore, there are multiple entries in the encumbrance certificate pertaining to the subject property. The other reason that has been assigned is that the original title documents were not produced at the time of registration.

4. In the considered view of this Court, the settlement deed that was executed in favour of the third respondent has already been



cancelled through document dated 08.04.2008 which was registered as document No.688/2008. This document has not been put to challenge by the third respondent and the said document is binding on him. Therefore, the third respondent did not have any right or title to deal with the property and execute the settlement deed in favour of his wife. The original owner of the property namely, Mohammed Hanifa has every right to deal with the property and therefore, the reason assigned by the second respondent as if the third respondent had settled the property in favour of his wife and therefore, Mohammed Hanifa cannot deal with the property, is unsustainable. Insofar as the original documents are concerned, it is the specific case of the petitioners that the same has been lost and non-traceable certificate has also been issued by the concerned police.

5. In view of the same, necessary recital shall be added in the sale deed to the effect that the original title documents have been lost and non-traceable certificate has been given by the concerned police. On fulfilling this condition, the sale deed presented for registration shall be entertained and registered, if it is otherwise in order.



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In the result, this Writ Petition is allowed with the above directions. There shall be no order as to costs.

27.03.2025

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

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To

1. The District Registrar
District Registrar Office
Virudhachalam
Cuddalore District.
2. The Sub Registrar
Sub Registrar Office
Mangalampet
Cuddalore District.



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N.ANAND VENKATESH, J

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(2/2)