



W.P.No.36796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.36796 of 2024

1.Zahida Parveen
2.Sheikh Mohammed Hussain
3.Ahanah Afreen
4.Shiekh Wasif Farhan

.... Petitioners

-Vs-

1.The Sub Registrar
Sub Registrar Office
Arcot Road, Lambert Nagar
Virugambakkam, Chennai 600 083.

2.Mr.S.Prabakaran

..Respondents

(R2- impleaded as per order dt.19.12.2024
in WMP.40687/2024 in WP.36796/2024 by PTAJ)

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to register the presentd sale deed vi Token No.TP/201544905/2024.

For Petitioners : Ms.Sajidha Meera Rumona
for M/s.D.Gopal Pandi

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1

Mr.H.Thameen Ansari for R2



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ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent to entertain the sale deed dated 22.11.2024 and to register the document within the time frame fixed by this Court.

2.The petitioners are claiming right over the subject property by virtue of affidavit of Hiba. The grievance of the petitioners is that the original document through which Mr.Sattar Khan became the owner, has been lost and the certified copy is available. Insofar as the affidavit of Hiba, that document is also available with the petitioners. Hence, it was contended that there is no reason for the respondent to refuse registration of the sale deed and insist for the production of the original documents.

3.Per contra, the learned Additional Government Pleader appearing on behalf of the 1st respondent gave a list of reasons as to why the document cannot be registered. The learned counsel for the impleaded 2nd respondent submitted that the 2nd respondent is an agreement holder and that steps are being taken to deal with the property to the prejudice of the rights of the 2nd respondent.

4.In the considered view of this Court, this Court cannot preempt the reasons given by the respondents and pass a final order in this writ petition. If the document



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is in order, the 1st respondent can proceed further and register the documents. On the other hand, if the document cannot be registered, the 1st respondent has to issue a refusal check slip by assigning the reasons. In such an event, it can be put to challenge by the petitioners. Except giving this clarity, no further orders can be passed in this writ petition. A decision shall be taken by the 1st respondent within a period of one week from today.

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

14.02.2025
2/2

Index : Yes/No
NCS : Yes/No
KP

Note: Issue order copy on 19.02.2025

To

The Sub Registrar
Sub Registrar Office
Arcot Road, Lambert Nagar
Virugambakkam, Chennai 600 083.



WEB COPY



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N.ANAND VENKATESH, J.

KP

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