



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.47847 of 2025

S.Mohamed Fairoz

... Petitioner

-VS-

1.The District Registrar,
Chennai South,
Todd Hunter Nagar, Fanepet
Nandanam, Chennai – 600 035.

2.The Sub Registrar,
Sub Registrar Office,
Virugambakkam,
Chennai – 600 083.

3.Zahida Parveen

4.Sheikh Mohammed Hussain

5.Ahanah Afreen

6.Shiekh Wasif Farhan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the 1st respondent



herein to dispose of the statutory appeal preferred by the petitioner herein under Section 72(1) of the Registration Act, 1908 filed on 30.10.2025 after duly affording an opportunity to all aggrieved parties within the time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.Naveen Kumar Moorthy
for Ms.S.Varsha

For Respondents : Mr.U.Baranidharan,
1, 2 Special Government Pleader

ORDER

A sale deed was executed in favour of the petitioner on 14.02.2025 by respondents 3 to 6 herein. Upon being presented for registration, refusal check slip dated 07.03.2025 was issued. The refusal check slip was the subject of W.P.No.8696 of 2025. The said writ petition was filed by respondents 3 to 6 herein. After recording that the Court was not inclined to entertain the writ petition, the writ petition was dismissed as withdrawn. Respondents 3 to 6 endeavoured to re-agitate the matter in W.P.No.17281 of 2025. This writ petition was dismissed on 11.08.2025 by imposing costs of



Rs.5,000/- on the petitioner therein. In the above facts and circumstances, the purchaser has presented this writ petition after filing an appeal before the first respondent. The petitioner seeks the early disposal of such appeal after providing an opportunity to all parties.

2. Learned counsel for the petitioner submits that the petitioner paid valuable consideration of Rs.12,22,17,600/-, but has been unable to enjoy the fruits of such purchase. He also submits that the petitioner / intending purchaser has filed all relevant documents including earlier orders of this Court. Learned counsel also submits that notice may be issued to the private respondents and to a third party called Mr.S.Prabakaran, who has filed a suit for specific performance, and the decision may be taken thereafter.

3. Learned Special Government Pleader responded to these contentions by pointing out that the refusal check slip forming the subject of the appeal was considered in the two earlier writ petitions. He points out that W.P.No.8696 of 2025 was dismissed as withdrawn after recording that the Court was not inclined to entertain the writ petition.



4. One examining the order dated 08.04.2025 in W.P.No.8696 of 2025, the said order cannot be characterized as an order on merits. When a person institutes a writ petition, a request for discretionary public law remedy is made. The refusal to entertain such writ petition, without adjudicating the issue on merits, will not operate as *res judicata*. Therefore, it cannot be said that the appeal lodged by the petitioner / intending purchaser is barred by *res judicata*.

5. Nonetheless, it is important to bear in mind that all persons with an interest in the relevant property should be heard before a decision is taken in the appeal. At paragraph 21 of the affidavit, a reference is made to Mr.S.Prabakaran, who has instituted a suit for specific performance. The refusal check slip also makes reference to an appeal before the jurisdictional Revenue Divisional Officer for cancellation of patta. Parties to such appeal should also be put on notice before taking a decision.

6. Subject to the above observations, this writ petition is disposed of by directing the first respondent to consider and dispose of the appeal lodged by the petitioner within **three months** from the date of receipt of a copy of



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this order. In course of adjudicating the appeal, it would be open to the first respondent to refer the relevant documents for forensic examination, if deemed necessary. No costs.

16.12.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

To

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