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W.P(MD)No.2520 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.03.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.2520 of 2025

Mohamed Sabeer

... Petitioner

Vs.

The Sub Registrar,
Paramakudi,
Ramanathapuram District.

... Respondent

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned Refusal Check Slip in RFL/Paramakudi/4/2024 dated 08.01.2025 on the file of the 1st respondent and quash the same and further directing the respondent to receive and register the settlement deed dated 08.01.2025 executed in favour of the petitioner's mother.

For Petitioner

:Mr.S.Selva Adithya

for Mr.G.Prabhu Rajadurai

For Respondents

:M/s.K.Malathi

Additional Government Pleader

**ORDER**

This writ petition is filed challenging the impugned refusal check slip dated 08.01.2025.

2.Upon hearing the learned counsel on either side and perusing the material records of the case, the factual background in which the writ petition arises is that originally the subject matter property was purchased by one Sara Beevi, by a registered sale deed, dated 07.09.1961 and by another document dated 03.10.1959.

3.It is the case of the petitioner that the said Sara Beevi was married to one Mohamad Kanibava Rawthar and they did not have any issues. Under the said circumstances, after the death of her husband Sara Bibi adopted her sister's son, namely Jamarul Kamal by a registered deed of adoption on 04.01.1990. Thereafter, the said Jamarul Kamal had even dealt with the properties. Under the said circumstances the said Jamarul Kamal died in the year 2016, leaving behind his wife, Meharban Beevi and four children, including the petitioner Mohamed Shabeer as his legal heirs. Now the petitioner and other siblings are intended to settle their shares of the remaining extent of subject matter property in favour of their mother. It can be seen that the reason for refusal are that the adoption is unknown to



Mohammedan Law and there is also no proper legal heirs certificate of the said Sara Beevi that is produced.

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4.Firstly, it must be seen that in the instant case, there is no other rival claim and the petitioner's father Jamarul Kamal had also dealt with the part of the said property by executing a registered sale deed dated 04.07.1992. With reference to the question of adoption, already the Hon'ble Supreme Court in *M/s.Shabnam Hashmi Vs. Union of India and others*, reported in ***AIR 2014 SC 1281***, after considering the fundamental rights that are guaranteed under the Constitution held that the adoption is not against the canonical law. The right of Muslims were recognized by considering the concept of Kafala. This court is also consider the issue in ***W.P(MD)No. 27615 of 2025(KHeerajohn Vs. The District Registrar, Madurai District, Madurai and another)*** by holding that right of adoption forms part of the basic human rights. Secondly, with reference to the Legal heirship certificate is concerned, When the unregistered adoption deed is presented, the same stands proof in respect of the same. In this regard, it can be seen that when the petitioner's deceased father Jamarul Kamal had even dealt with a portion of the property by a registered sale deed in the year 1992, insisting upon the same at this stage would cause grave hardship to the petitioner. Considering the facts and situation that the very same property has already been dealt



with by the petitioner's father and the petitioner's father himself has subsequently passed away. Needless to mention that the death certificate and the legal heirship certificate of the petitioner's father Jamarul Kamal shall be produced before the Sub Registrar.

5.In the above findings, this writ petition is ordered on the following terms:

(i)The impugned refusal check slip dated 08.01.2025 shall stand set aside and the matter stands remitted back to the file of the respondent.

(ii) The petitioner shall re-present the document along with the death certificate and legal heirship certificate that Jamarul Kamal, upon which if there is no other impediment, the document shall be registered.

(iii)The petitioner is also along with an affidavit of undertaking mentioning the date of death of the said Sara Beevi. No costs.

24.03.2026

NCC:Yes/No

To



W.P(MD)No.2520 of 2



- 1.The Sub-Registrar,
Paramakudi,
Ramanathapuram District.
- 2.The Chief Educational Officer,
Ramanathapuram District.

D.BHARATHA CHAKRAVARTHY, J.

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W.P(MD)No.2520 of 2



**W.P(MD)No.215076 of 2024
and
W.M.P(MD)No.13221 of 2024**

24.03.2026