



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 27th OF MARCH, 2025

WRIT PETITION No. 51 of 2025

SMT. JENAB BEE AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Makbool Ahmad Mansoori- Advocate for the petitioners.

Shri Kushal Goyal- Dy. A.G. for the State.

ORDER

Heard finally with the consent of the parties.

2] This petition has been filed by the petitioner under Article 226 of the Constitution of India, against order dated 31.12.2024, passed by the Sub-Registrar of Assurance (Property), Nagda District Ujjain, whereby, the petitioner Nos.1 and 2 have been informed that the document of sale of property, which they have submitted, cannot be registered, as the petitioners have not submitted the relevant documents regarding ownership of the property in terms of Rule 19(x) of the Madhya Pradesh Registration Rules, 1939 (hereinafter referred to as 'the Rules of 1939')

3] The case of the petitioners is that the property in question was initially purchased by late Shri Raju Mali, the husband of the petitioner No.2 along with petitioner No.2, through a registered sale deed dated 24.09.2014. Shri Raju Mali is also the father of petitioner



Nos.3 and 4. Late Shri Raju Mali died on 13.08.2024, and his wife, petitioner No.2's name was sought to be mutated in the Municipal record with the consent of the petitioner Nos.3 and 4, who both are her sons, although the property receipts have been issued in the names of Raju Mali and Sangita Bai. Admittedly, the mutation has not yet taken place, and the petitioner Nos.2, 3 and 4 have decided to sell the said property to the petitioner No.1 Smt Jenab Bee, and thus, when the sale deed was presented before the Registrar of Assurance, an objection has been raised regarding the title, as according to the Registrar, the petitioners have not submitted any such document through which it can be demonstrated that the property has been purchased/owned by the petitioner Nos.2, 3 and 4, and being aggrieved of the same, this petition has been preferred.

4] Counsel for the petitioners has submitted that the petitioners have satisfied the requisite legal requirement, as admittedly, the petitioner Nos.3 and 4 are the sons of petitioner No.2, and the property was held in the joint names of the petitioner No.2 Sangita Bai and her late husband Raju Mali, who died on 13.08.2024, and thereafter, with the NOC given by the petitioner Nos.3 and 4, an application has already been filed for mutation of the property in the name of the petitioner No.2 in the Municipal record, which can also be demonstrated by the receipt (Namantaran Application Fees, Annexure-P/5) of the fee paid for mutation, which is only in the name of petitioner No.2 Sangita Bai.

5] Counsel for the petitioners has also drawn the attention of this Court to Rule 19(x) of the Rules of 1939 to submit that the petitioner Nos.2, 3 and 4 have already furnished the relevant documents, as the certified copy of the receipt of payment of property tax has been filed,



which is in the name of Sangita Bai and her late husband. And as per Rule 19(x) (iv) of the said Rules, which provides for certified copy of previously registered document in favour of the executant of the document is also filed on record.

6] It is also submitted that when the property tax is issued in the name of one of the owners only as the other owner has already died, it should be treated as a document complying Rule 19 (x), as admittedly, in the present petition, the petitioner Nos.3 and 4, who are the sons of petitioner No.2 are also the parties, and they have also submitted their NOC for mutation of her name in the Municipal record. Counsel for the petitioners has also submitted that otherwise also, the Registrar cannot enter into the dispute regarding the title of the property, and has also referred to Rule 36 of the Rules of 1939.

7] Counsel for the respondent on the other hand, has opposed the prayer and it is submitted that to avoid any technical objections, the execution of the sale deed can also be done by the petitioner Nos.2, 3 and 4, instead of petitioner No.2 only.

8] In rebuttal, Shri Mansoori has submitted that if there is no objection on the part of the respondent Nos.3 and 4, and the sale deed which is already ready in all the respect, can be executed by the petitioner No.2 only.

9] Heard counsel for the parties and perused the record.

10] So far as the relevant Rule 19 of the Rules of 1939 is concerned, the relevant excerpts of the same read as under:-

“19. Return of document for correction, etc.- The following documents may be returned for amendment, correction, or supply of omissions:-

(a) xxxxxxxx

(b) xxxxxxxx



(x) A document relating to transfer of urban property or of property of non-agricultural purpose, is not presented along with any of the following documents-

- (i) Certified copy of mutation order issued by Municipal Corporation Municipalities or Nagar Panchayat, or Revenue Department in favour of the executant or the document or certified copy of such document issued by the Competent Officer, which firmly establishes existence of the property, or
- (ii) Certified copy of receipt of payment of Property Tax deposited by the executant of the document in any urban body issued in his own name, or
- (iii) Certified copy of receipt of payment of electric meter bill installed in that property in the name of the executant of the document.
- (iv) Certified copy of previously registered document in favour of the executant of the document.
- (v) Certified copy of building construction permission issued by Competent Officer in favour of the executant of the document, or
- (vi) Certified copy of certificate of Panchayat Secretary of being Aabadi land in case the property is situated in rural abadi.]”

(Emphasis Supplied)

11]Whereas, in the impugned order dated 31.12.2024, the respondent No.4 the Sub-Registrar (Registration) has directed the respondents to provide for certain documents of ownership, as it is held that the petitioners have not submitted such documents in which the names of all the vendors are recorded, nor any document as provided under Rule 19(x).

12] From the record it is found that the petitioner has filed the certified copy of the property tax receipt, which is in the joint names of the petitioner No.2 and her late husband Raju Mali S/o Kaluram Mali, whereas, the receipts regarding mutation of the property in the name of the petitioner No.2 have also been filed on record, however, the mutation application has not been decided or acted upon by the Indore Municipal Corporation. The petitioners have also averred in



para 5.3 of the petition that the petitioner Nos.3 and 4 have also given their no objections regarding mutation of the name of their mother in the Municipal record.

13] In such facts and circumstances of the case, in the absence of any other objection by any of the parties, this Court is of the considered opinion that the documents submitted by the petitioners in support of the registration of sale deed, sufficiently explain their ownership of the property. Thus, the registration of the sale deed could not have been withheld, and is liable to be executed in accordance with law.

14] In view of the same, the impugned order dated 31.12.2024 is hereby set aside and the respondent No.4 is directed to register the sale deed as submitted by the petitioners, within the time as prescribed under the law.

15] With the aforesaid, the petition stands *allowed* and *disposed of*.

(SUBODH ABHYANKAR)
JUDGE