

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWrit Petition(s) (Civil) No(s). 290/2026

HARI SHANKAR JAIN & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 69591/2026 - STAY APPLICATION)

Date : 12-03-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLIFor Petitioner(s) : Mr. Parth Yadav, AOR
Ms. Mani Munjal, Adv.
Ms. Nikita Sukheja, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. The petitioners have approached this Court invoking jurisdiction under Article 32 of the Constitution with a prayer to strike down the words "or shall be deemed to affect any rule of Muhammadan law" occurring in Section 129 of the Transfer of Property Act, 1882. The plea taken is that the exemption of a gift as defined in Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937, from the requirement of compulsory registration and consequential non-payment of stamp duty charges is not only a loss to the public exchequer, but such a provision is also ultra vires the Article 14 of the Constitution.

2. In our considered opinion, the appropriate recourse for the

petitioners would be to approach the expert body like the Law Commission of India, which had been entrusted with the responsibility of recommending suitable amendments/changes in the existing laws and/or for the enactment of new laws, as may be required from time to time. Such an expert body being functional as of now, we see no reason to entertain this Writ Petition at this stage. The same is, accordingly, disposed of with liberty to the petitioners to approach the learned Law Commission of India.

3. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR