

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2021

CORAM: JUSTICE N.SESHASAYEE

W.P.No.5264 of 2021

C.Kannammal

...Petitioner

-Vs-

1.The District Registrar,
Office of the District Registrar,
Chengalpet District.

2.The Sub Registrar,
Office of the Sub Registrar,
Atchirupakkam,
Madhurandhagam Taluk,
Chengalpet District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to register the sale deed presented by the petitioner on 03.02.2021 in Temporary Registration No.TP/99495823/2021.

For Petitioner : Mr.V.Balamurugan

For Respondents : Mr.T.M.Pappiah, SGP

ORDER

This Writ Petition is filed for a writ of Mandamus, to direct the second respondent to register the sale deed presented by the petitioner on 03.02.2021 in Temporary Registration No.TP/99495823/2021.

2. The petitioner has obtained a life estate for the property comprised in S.Nos.626, 633/6A2. These are all the properties involved in a litigation in O.S.No.250 of 1994, in which, a compromise decree came to be passed on 03.07.1995, wherein, the petitioner was given a life estate.

3. Now, the petitioner wants to sell her right to some third party and the Sub Registrar objected to the same on the ground that the petitioner has got only limited life estate for the property.

4. Heard Mr.T.M.Pappiah, learned Special Government Pleader for the respondents.

5. The life estate in immovable property is a vested right and if there is no restriction on alienation, the life estate holder has embolden right to transfer her right in favour of any third party. However, such right is limited to the life time of the life estate holder and not beyond that.

6. Therefore, this Court now directs the Sub Registrar to register any sale deed conveying the life estate of the petitioner in terms of the judgment of the Division Bench of this Court in N.Ramayee Vs. Sub Registrar [(2020) 8 MLJ 305]. To avoid further complication in future, this Court also directs the petitioner to present a separate copy of this order along with the proposed sale deed to the Sub Registrar.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gsk

To

1.The District Registrar,
Office of the District Registrar,
Chengalpet District.

2.The Sub Registrar,
Office of the Sub Registrar,
Atchirupakkam,
Madhurandhagam Taluk,
Chengalpet District.

+2cc to M/s.V.Balamurugan, Advocate SR.13977
+1cc to the Government Pleader SR.14576

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Order made in
W.P.No.5264 of 2021

PL(CO)
CB(31/03/2021)