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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.02.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1755 of 2022

Sri Hari Reddy Moppalla

... Petitioner

Vs

1. The District Registrar,
Office of the District Registrar's Office,
Chennai North,
Chennai.
2. The Sub Registrar,
Office of the Sub Registrar,
Konnur,
Ambattur,
Chennai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records in Check Slip dated 09.09.2021 on the file of the 2nd respondent and quash the same and direct the 2nd Respondent to register the sale deed presented by the petitioner.

For Petitioner ... M/s.R.Rajarajan

For Respondents ... Mr.Yogesh Kannadasan,
Special Government Pleader

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned check slip dated 09.09.2021 issued by the 2nd respondent and a direction to the 2nd respondent to register the sale deed presented by the petitioner.

2. Mr. Yogesh Kannadasan, learned Special Government Pleader takes notice to the respondents 1 & 2.



3. It is the case of the petitioner that the petitioner had purchased the agricultural land admeasuring about 10 cents in survey No.392/2 from one Rajeshwari Ammal by paying a sum of Rs.2,70,000/-. After the demise of said Rajeshwari Ammal, her sons namely Kuchetty Ramachandra Reddy and Kuchetty Sridhar reddy are the vendors who have executed a registered sale deed in respect of the said property in favour of the petitioner and the same was placed for registration before the 2nd respondent, however, the check slip dated 09.09.2021 was issued by the 2nd respondent refusing to register the sale deed, against which, the present petition has been filed seeking the relief of quashment of the same.

4. Learned counsel for the petitioner submits that the family membership certificate of the vendors was issued by the Tahsildar, Naidupetai, Nellore District under the G.O.No.177, Revenue Department, State Government of Andhra Pradesh since, the vendors are the residents of the State of Andhra State and the said certificate is equivalent to the legal heirship certificate issued by the Government of Tamil Nadu. While being so, refusing to register a sale deed of the subject property is not sustainable. Hence, the impugned check slip refusing the registration of the sale deed, issued by the 2nd respondent may be quashed by allowing this Writ Petition.

5. Learned Special Government Pleader appearing for the respondents submits that since the petitioner is not a resident of Tamil Nadu, the Legal heirship certificate produced by the petitioner is not acceptable and the petitioner has to obtain necessary succession certificate from the court of competent jurisdiction.

6. Heard the learned counsel on the either side and perused the materials available on record.

7. A careful perusal of the materials aforesaid reveals that the petitioner has filed a family membership certificate issued by the appropriate authority from the State of Andhra Pradesh, viz., Tahsildar, Naidupettai, Nellore District. It is the stand of the petitioner that the said family membership certificate is equivalent to the legal heirship issued in the State of Tamil Nadu. Though the learned Spl. GP submits that the petitioner has to submit a succession certificate in the absence of legal heirship certificate, however, it is not the case of the Spl. GP that the said family membership certificate is not equivalent to a legal heirship certificate. Merely because the certificate is differently worded, it would not be a ground to reject the said certificate with regard to its equivalency. Further, it is also not the case of the respondents that the said family membership certificate has been issued by an authority, who is not



competent to issue the said certificate. In the absence of any material, the stand of the respondents that the family membership cannot be taken into consideration to register the sale deed is wholly incorrect and a wrong interpretation of law.

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8. Accordingly, the impugned order is set aside by allowing this Writ Petition and the matter is remanded to the 2nd respondent. Further, the petitioner is directed to present the documents before the 2nd respondent. On receipt of the same, the 2nd respondent is directed to entertain the documents and register the same in favour of the petitioner without insisting for the legal heirship certificate from the vendors of the subject property as per the G.O.No.177, Revenue Department, ***State Government of Andhra Pradesh**, if otherwise in order.

9. This Writ Petition is allowed with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar(CS)
Dated: 19/04/2022

*** Para 8 corrected as per order of this Court,
dated 25/04/2022.**

Sd/-
Deputy Registrar(CS)
Dated : 26/04/2022

//True copy//

Sub Assistant Registrar

NHS

To

1. The District Registrar,
Office of the District Registrar's Office,
Chennai North, Chennai.
2. The Sub Registrar,
Office of the Sub Registrar,
Konnur, Ambattur, Chennai.

***+1cc to Mr.R.Rajarajan, Advocate SR.No.28122**
+1cc to Government Pleader SR.No.8647

***To be substituted
to the order
already
despatched on
20.04.2022**

W.P.No.1755 of 2022

GP(CO)
GMY(19/04/2022)
RLP(26/04/2022)