



W.P.No.29145 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29145 of 2022

Selvam

... Petitioner

Vs

1. The District Registrar,
Dharmapuri District

2. The Sub Registrar,
Paappireddipatty,
Dharmapuri District

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the refusal Check slip in refusal No.RFL/Pappiredipatty/27/2022 dated 24.08.2022 and to quash the same as illegal, incompetent and ultra vires and direct the respondent to register the sale deed dated 24.08.2022 and pass orders.



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For Petitioner : Mr.J. Pradeep

For Respondents : Mr. G. Krishna Raja
Additional Government Pleader

ORDER

This writ petition is filed to quash the impugned refusal check slip No.RFL/Pappiredipatty/27/2022 dated 24.08.2022 and pass orders.

2. The case of the petitioner is that the subject property is the ancestral property owned by the petitioner's mother who died in the year 1994 leaving being the petitioner, Indirani, Sakku, Sellammal and Theerthagiri as surviving legal heirs and all of them executed a release deed in favour of the petitioner except Indirani. Whiles the legal heirs of Indirani entered into a sale agreement with the petitioner to sell the property and when sale deed was presented for registration the same was refused by the second respondent on the ground that the death certificate does not contain the name of the executants. Hence this petition.

3. The learned counsel for the petitioner submits that the legal heir certificate was produced before the second respondent wherein the executants



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names were reflected, inspite of the same the second respondent refused to register the sale deed which is not sustainable. Hence he prays this Court to allow the petition.

4. The learned Additional Government Pleader fairly submitted that if the legal heir certificate produced by the petitioner reflects the name of the executants the second respondent ought to have entertained the documents.

5. Heard both sides and perused the materials available on record.

6. This Court is of the view that a death certificate is an official document, a proof of a person death issued by the Government when an individual is declared dead by the doctor of hospital whereas the legal heir certificate is a legal document which determine the appropriate successor for the ownership. In the instant case the petitioner had produced the legal heir certificate which is suffice for the second respondent to entertain the sale deed. Hence the refusal order passed by the second respondent in not entertaining the document based on the death certificate is not sustainable.



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7. In view of the fair submission made by the Additional Government Pleader, this writ petition is **allowed** and the impugned order passed by the second respondent is set aside and the matter is remanded to the second respondent and the second respondent is directed to entertain the document presented by the petitioner on production of legal heir certificate and other necessary documents and the petitioner is directed to pay requisite Stamp Duty and Registration Charges. No costs.

04.11.2022

smn
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No
To

1. The District Registrar,
Dharmapuri District
2. The Sub Registrar,
Paappireddipatty,
Dharmapuri District

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M.DHANDAPANI,J.

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