



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13689 of 2022 and
W.M.P.(MD)No.9730 of 2022

Jawahar Suriyakumar

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome, Chennai.

2. The District Registrar,
Department of Registration,
Tenkasi District, Tenkasi.

3. The Sub Registrar,
Vasudevanallur Sub Registrar office,
Vasudevanallur,
Tenkasi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of Refusal check Slip dated 01.04.2022 passed by the third respondent and quash the same and consequently direct the 3rd respondent to register the refused settlement deed dated 01.04.2022.

For Petitioner : Mr.J.C. Rathnavel Pandian

For Respondents: Mr.K.S. Selva Ganesan,
Additional Government Pleader.

* * *

**ORDER**

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The petition mentioned property admittedly stands in the name of one Mookkaiah. The petitioner claims that the said Mookkaiah is none other than his paternal grandfather. The petitioner's father died when he was aged about 40 in the year 1981. The petitioner's age is about 53 years. It is therefore safe to assume that the said Mookkaiah is no more. The petitioner wants to execute the settlement deed in favour of his sister and the same is in respect of the petition mentioned property. Following the demise of father, the property in question devolved on the petitioner and his sister. The petitioner wants to settle his undivided share in favour of his sister. When the document was presented for registration before the third respondent, the impugned refusal check slip was issued on the following grounds:-

- a) There is no mutation of the revenue records.
- b) The death certificate of Mookkaiah and the legal heir certificate have not been produced.

2. The aforesaid reasons do not appeal to me. As rightly pointed out by the learned counsel appearing for the



petitioner, when Mookkaiah passed away, the registration of births and deaths was not in force. It is stated that Thiru.Mookkaiah passed away in the year 1981. In those days, it was not the usual practice to report or register the death of any person. In any event, there does not appear to be any rival claim or objection. It is also seen that the other properties of Mookkaiah have been the subject matter of conveyance/ alienation. The petitioner is able to produce the original patta also. In these circumstances, it is not for the third respondent to raise the objections set forth in the impugned refusal check slip. The impugned refusal check slip is quashed. The petitioner is permitted to re-present the document in question before the third respondent and the third respondent should entertain the same and register the document in question subject to the fulfillment of the other formalities. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

PMU

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Chennai.
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