



W.P.(MD)No.25667 & 25668 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) Nos.25667 and 25668 of 2022

Padmavathi

... Petitioner in both petitions

Vs.

The Sub Registrar,
Melapalayam,
Tirunelveli District.

... Respondent in both petitions

COMMON PRAYER:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the impugned refusal check slip issued by the respondent in refusal number:RFL/Melapalayam/65/2022 and number:RFL/Melapalayam/66/2022, dated 20.08.2022 and quash the same as illegal and consequently direct the respondent to register the document to be executed by the petitioner without insisting the original Will bearing document No.20/2003, dated 17.02.2003 within a time frame fixed by this Court.

In both petitions:

For Petitioner	: Mr.J.Karthick
For R1to R3	: Mr.K.S.Selvaganean
	Additional Government Pleader



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COMMON ORDER

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These Writ Petitions have been filed seeking issuance of writ of Certiorarified Mandamus to call for the impugned refusal check slips issued by the respondent in refusal number:RFL/Melapalayam/65/2022 and number:RFL/Melapalayam/66/2022, dated 20.08.2022 and quash the same as illegal and consequently direct the respondent to register the documents to be executed by the petitioner without insisting the original Will bearing document No.20/2003, dated 17.02.2003 within a time frame fixed by this Court.

2. The property in S.No.63 situated at K.K.Nagar, Muneerpallam Village, Palayamkottai Taluk, Tirunelveli District belonged to the husband of the petitioner. After his demise, the petitioner along with his daughter relinquished a deed in favour of his son. The original Will is under the custody of the brother of the petitioner's husband. Now, he also died and his legal heirs are not willing to give the allotted property to the petitioner. Hence, the petitioner submitted the certified copies of the original Will. Even thereafter, the respondent refused to register the document on the ground that parent document has not been submitted.

3. The petitioner has challenged the impugned refusal check slip primarily on the ground of violation of principles of natural justice. The



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learned counsel for the petitioner submitted that the original documents are with the elder brother of the petitioner's husband. The petitioner had also submitted certified copies of the same in place of the originals, but despite the same, the respondent has refused to register the settlement deed.

4.However, according to the learned Additional Government Pleader appearing for the respondent, the respondent has rightly rejected the registration of the settlement deed on the ground that the original parent title deeds were not produced by the petitioner.

5.Heard learned Counsel for the writ petitioner and the learned Additional Government Pleader, who accepts notice on behalf of the respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

6.It is the case of the petitioner that she has produced certified copies of the parent title deeds before the registering authority and it is her case that the originals are with the elder brother of the petitioner's husband and they are not willing to give the same to the petitioner. However, in the impugned refusal check slips, the contention of the petitioner has not been considered. Therefore, this Court is of the considered view that the principles of natural justice have been violated by the respondent and the impugned refusal check



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slips, dated 20.08.2022 issued by the respondent have to be necessarily quashed and the matters are to be remanded back to the respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner.

7. For the foregoing reasons, the impugned refusal check slips, dated 20.08.2022 is hereby quashed and the matters are remanded back to the respondent for fresh consideration. The respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the respondent deems fit to enquire, including granting them the right of personal hearing, within a period of sixteen (16) weeks from the date of receipt of a copy of this order. The petitioner is permitted to produce all the relevant documents before the respondent to substantiate her case.

8. With the above direction, these Writ Petition stand disposed of. There shall be no order as to costs.

11.11.2022

Index : Yes/No
Internet : Yes/No

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To

The Sub Registrar,
Melapalayam,
Tirunelveli District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.25667 & 25668 of 2022

11.11.2022