



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21934 of 2023
and
W.M.P.No.21285 of 2023

Mr.K.Gopi

... Petitioner

Vs.

1.The Sub-Registrar,
Office of the Sub-Registrar,
Cheyyur,
Chengalpattu District.

2.The Tahsildar,
Chengalpattu,
Chengalpattu District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Refusal Slip of Impugned Order in Serial No.RFL, Cheyyur, Book No.2/16 dated 16.12.2022 on the file of the 1st respondent and quash the same and consequently, direct the 1st respondent to register the pending Sale Deed Document No.P/Cheyyur/173/2022 dated 02.09.2022 of the petitioner, within the time frame fixed by this Hon'ble Court.

For Petitioner

: Mr.S.Arokia Mani Raj

For Respondents

: Mr.P.Sanjay Gandhi,
Government Advocate



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ORDER

The Refusal Check Slip issued by the Sub-Registrar in Proceedings dated 16.12.2022 is sought to be quashed in the present Writ Petition.

2. The petitioner presented a Sale Deed for registration in respect of his ancestral property of his family. The registering authority scrutinized the documents and found that the legal heir certificates obtained by some parties are fake and the said factum was ascertained to the Tahsildar concerned.

3. When the Sub-Registrar found that the legal heir certificates are bogus, he had issued the Refusal Check Slip on the ground that the petitioner had not included other legal heirs and when the petitioner states that the subject property is an ancestral property and he had presented a Sale Deed for registration without including all other legal heirs or the persons, who all are entitled for the property in the document, then the Sub-Registrar is empowered to refuse the document for registration.

4. Thus, the petitioner has not established any acceptable reason for



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the purpose of interfering with the order of refusal issued by the registering authority. For the purpose of registering the document, the petitioner has to necessarily include all the legal heirs, who all are entitled for the property or approach the competent Civil Court of law for the purpose of establishing his right over the subject property.

5. With these observations, the Writ Petition stands dismissed.

No costs.

22.08.2023

skr

Index : Yes

Speaking order

To

1.The Sub-Registrar,
Office of the Sub-Registrar,
Cheyyur,
Chengalpattu District.

2.The Tahsildar,
Chengalpattu,
Chengalpattu District.



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S.M.SUBRAMANIAM, J.

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