



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23587 of 2023

Minor G.Hitesh Abhinav
Rep. by his father and next friend
Dr.Ganesh Anand Kumar

... Petitioner

Vs.

The Join Sub-Registrar II,
Erode,
Erode District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order dated 01.08.2023 in Refusal Number:RFL/1 No.Joint Sub Registrar Erode/65/2023 of the respondent and quash the same and consequentially directing the respondent to register the lease deed executed by the petitioner.

For Petitioner

: Mr.J.Titus Enock

For Respondent

: Mr.D.Ravichander
Special Government Pleader



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ORDER

The refusal check slip issued by the respondent in proceeding dated 01.08.2023 is sought to be quashed in the present writ petition.

2.The petitioner states that the subject property originally belonged to his father Mr.C.Thangamuthu, who executed a registered Will on 06.12.2022 in favour of the writ petitioner. Thus, the writ petitioner is the absolute owner of the subject property. The petitioner presented a lease deed for registration. The subject document was returned by the respondent on the ground that the contents of the Will stipulates that the petitioner cannot alienate the property till he attains the age of 35 years. The Registering Authority is not empowered to consider the conditions stipulated in the Will. In view of the fact that the grandfather bequeathed the property in favour of the writ petitioner, the father of the writ petitioner has presented a lease deed for the benefit of the minor and therefore, this Court do not find any infirmity in respect of the lease deed presented by the petitioner through his father.

3.In view of the facts and circumstances, the impugned refusal check slip issued by the respondent in Refusal Number:RFL/1 No.Joint Sub



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Registrar Erode/65/2023 dated 01.08.2023 is quashed and the respondent is directed to proceed with the registration by following the procedures as contemplated and complete the same within a period of four weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petition stands allowed. No costs.

10.08.2023

Index : Yes/No
Speaking order/Non-Speaking Order
Neutral Citation : Yes /No
cse

To

The Join Sub-Registrar II,
Erode,
Erode District.



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S.M.SUBRAMANIAM, J.

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