

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5448 of 2023

C.Jagadeesan

... Petitioner

Vs.

The Sub Registrar,
Office of the Sub-Registrar,
Sankarankoil,
Tenkasi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, by calling for the records relating to the Refusal Check slip, bearing No.RFL/Sankarankoil/5/2023, dated 21.02.2023, passed by the respondent. and quash the same and consequently direct the respondent to register the Sle deed, dated 21.02.2023, with respect to the sale of an extent of 2.46 acres (0.99.81 hectares), together with well and other appurtances / superstructures, situated in S.Nos:1248/2(0.09.5 hectares), 1251/2B (0.08.50 hectares), 1265/1(0.06.00), 1265/2 (0.32/50 hectares), 1267/3 (0.20.00 hectares), 1268/2 (0.16.50 hectares) and 1265/2 (0.06.81 hectares), in Patta No.522, in Sevalkulam Village, Sankarankoil Sub-Registration, Tenkasi District, presented by the petitioner for registration, based on the documents relating to the ownership of his vendor, without insisting for any further documents.

For Petitioner : Mr.S.Kadarkarai

For Respondent : Mr.M.Prakash
Additional Government Pleader

ORDER

This writ petition has been filed in the nature of mandamus seeking interference with the refusal check slip bearing No.RFL/Sankarankoil/5/2023, dated 21.02.2023, passed by the Sub Registrar, Office of the Sub-Registrar, Sankarankoil and quash the same and to direct the respondent to register the sale deed dated 21.02.2023 presented by the petitioner herein.

2. In the refusal check slip it has been stated that the petitioner should prove that the vendor of the petitioner, RajaSubramanian is the legal heir of the Sundaram Iyer.

3. However, it is seen that the legal heir ship certificate of Sundaram Iyer has been produced and that he had only one legal heir namely his widow Rajalakshmi. She had died. She has executed a Will in favour of Raja Subramaniam the son her sister Lalitha. The vendor is a beneficiary of the Will. The vendor is not a legal heir Sundaram Iyer, but beneficiary under the will executed by the widow of Sundaram Iyer. Therefore, the issue of legal heirship will never arise.

4. The impugned order is therefore set aside.

5. The petitioner may re-present the sale deed after following due process through online and a direction is given to the respondent to register the sale deed if it is otherwise in order relating to payment of stamp duty and registration charges. If required, the petitioner may also produce all the relevant documents as stated above to the respondent herein at the time of registration of the documents.

6. This Writ Petition is allowed. No costs.

29.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

The Sub Registrar, Office of the Sub-Registrar,
Sankarankoil, Tenkasi District.

C.V.KARTHIKEYAN, J.

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