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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.6436 of 2023

and

W.M.P.(MD)No.6095 of 2023

1.Banumathi

2.Sathya

3.Mohanarangam

... Petitioners

VS.

The Sub Registrar,
Joint No.1, Sub Registrar Office,
Karur, Karur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the respondent proceedings made in Refusal Check Slip, dated 07.03.2023 and to quash the same and further to direct him to register the sale deed, dated 07.03.2023 within a stipulated period as may be fixed by this Court.

For Petitioner :Mr.R.Sundar

For Respondent :Mr.M.Prakash

Additional Government Pleader



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ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of the respondent/Sub Registrar Joint No.I, Sub Registrar Office, Karur in refusal check slip, dated 07.03.2022 and to quash the same and direct to registration of the sale deed presented on 07.03.2022 for registration.

2.Heard Mr.R.Sundar, learned Counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the respondent.

3.In the refusal check slip, it had been stated that only limited estate had been granted to the vendors and therefore, they have no proprietary to execute a sale deed.

4.The second petitioner is the daughter of the first petitioner. The third petitioner is the daughter of another daughter of the first petitioner. The property is situated at Jawahar Bazar, Karur. It originally belonged



to the mother of the first petitioner, T.Thangammal. The mother executed a Will on 26.02.1999. She died on 14.09.2009.

5. According to the said Will, the first petitioner will have the right to enjoy the property during her life time and after her life time, the property will devolved to her legal heirs. Now, this can be interpreted that she will have a right till her life time to reside in the said property and after her life time, the property will become the absolute property of her legal heir.

6. The second petitioner is one of her legal heirs. The third petitioner is the daughter of another daughter of the second petitioner. The other daughter is also a beneficiary. It is therefore seen that the first petitioner, who could be termed, not as an absolute owner, still she has an interest over the property and the second petitioner, to whom the property would devolve, ultimately are conveying the property to the third petitioner herein. In effect, both have a marketable title, even if it is to be interpreted that by way of the document, the petitioner's title had not blossomed still the beneficiary has title and would have the right to deal



with the property.

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7.It is the interpretation as to whether the document will fall under Section 14(1) and 14(2) of Hindu Succession Act. The reasoning of the Sub Registrar is not correct and the document, which is executed only within the family members can be registered, if stamp duty and registration fees are otherwise in order. Therefore, the impugned refusal check slip is set aside and a direction is issued to the petitioner to re-present the document within a period of three weeks and within a period of three weeks thereafter, the document may be registered, if it is otherwise in order.

8.The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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

30.03.2023

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4/6



To

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The Sub Registrar,
Joint No.1, Sub Registrar Office,
Karur, Karur District.



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C.V.KARTHIKEYAN, J.

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Order made in
W.P.(MD)No.6436 of 2023

30.03.2023