



W.P(MD)No.12777 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.12777 of 2023
and WMP(MD)No.10785 of 2023

C.Panchavarnam

... Petitioner

Vs

1. The Deputy Inspector General Of Registrar,
O/o. Deputy Inspector General of Registrar,
Madurai.
2. The Assistant Inspector General of Registration,
District Registrar (Administration),
Madurai (South),
Madurai.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second Respondent in his proceedings in Na.Ka.No.3954/A2/2022, dated 01.08.2022, quash the same as illegal and consequently direct the Respondents to cancel all the documents in respect of land comprised in Survey No.16/2B1 registered after 26.12.2005.



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For Petitioner : Mr. Senthil Murugan C
For R1, R2 : Mr.M.Prakash
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking interference with the order passed by the second respondent in his proceedings in Na.Ka.No.3954/A2/2022, dated 01.08.2022 and to cancel all the documents, in respect of land comprised in Survey No.16/2B1 registered after 26.12.2005.

2.The petitioner herein Panchavaranam is the daughter of Kuppu Udaichi. She had a brother Kumaresan. They are only the legal heirs of her father. The said Kumaresan died on 26.12.2005. The legal heirs of Kumaresan had transferred the land in patta number 166 at S.No. 16/2B1 of Anupanadi Village, measuring 0.07.0 ares, which actually stood in the name of the father. The petitioner is also entitled for a share in the property. The legal heirs had sold the property, without giving reference to the petitioner or showing her as a legal heir. Therefore, the



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petitioner had given a complaint before the second respondent to take necessary action. The second respondent further proceeded to reject the said petition by holding that the document was registered on the basis of grant of patta. But the Patta was granted, on the basis of legal heirship certificate. In the legal heirship certificate, the name of the petitioner was not included, the petitioner, who is the daughter of Kuppu Udaichi is also entitled for share of property.

3.It is also seen from the impugned order that notice had not been directed to the legal heirs of Kumaresan. The second respondent had rejected the petition given by the petitioner, by only examining the petitioner alone. Therefore, a detailed enquiry has to be conducted, since both the petitioner and Kumaresan were entitled to the lands of their father, as legal heirs.

4.In view of the facts, this court had directed the petitioner to produce a copy of Judgment and decree in O.S.No.485 of 2013, passed by the learned Principal District Munsif, Madurai, dated 04.06.2014, wherein, the petitioner had been recognised as a legal heir of



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Kuppu Udaichi and a decree had been passed in favour of the petitioner.

5.In view of all these facts, the impugned order is set aside and the issue is remanded back to the second respondent, to issue notice to the petitioner and the legal heirs of Kumaresan and thereafter, take a decision, since the legal heirs of Kumaresan had disposed the property, in which, the petitioner is also having an undivided $\frac{1}{2}$ share. The enquiry should be conducted in the manner known to law and should be completed within a period of six months, from the date of appearance of parties before the second respondent.

6.Since the impugned order is set aside, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2023

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



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To

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C.V.KARTHIKEYAN, J.

PNM

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