



W.P.(MD)No.15630 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15630 of 2021

N.Gopinath

... Petitioner

-VS-

- 1.The District Registrar,
District Registrar's Office,
District Court Campus,
Trichy-1,
Trichy District.
- 2.The Sub-Registrar,
K.Sathanoor Sub-Registrar's Office,
K.Sathanoor,
Trichy District.
- 3.A.Balasubramanian
- 4.A.Viswanathan
- 5.A.Palaniammal
- 6.A.Vadivelu
- 7.A.Subbulakshmi
- 8.A.Ponnumani

1/8



W.P.(MD)No.15630 of 2021

[R3 to R8 are represented by their Power of Attorney,
V.Renganathan]

WEB COPY

9.V.Renganathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent's proceedings, made in the impugned check slip in RFL/Keelsathanoor/73/2021, on the file of the second respondent, dated 09.08.2021, quash the same and further direct the second respondent to register and release the sale deed, dated 09.08.2021, which has been presented by the petitioner before him, within the stipulated period.

For Petitioner : Mr.R.Sundar

For R1 and R2 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The subject matter of challenge in the present Writ Petition pertains to the refusal check slip issued by the second respondent, dated 09.08.2021, and for a further direction to the second respondent to register and release the sale deed, dated 09.08.2021, presented by the petitioner.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents 1 and 2.



W.P.(MD)No.15630 of 2021

3. The case of the petitioner is that the subject property belongs absolutely to one Chinnammal by virtue of a registered sale deed, dated 09.06.1995. The said Chinnammal died on 05.07.2012 and the respondents 3 to 8 are the legal heirs of the said Chinnammal. These respondents executed a general Power of Attorney in favour of the 9th respondent on 10.01.2020 and this document was also registered on the file of the second respondent. The 9th respondent as a Power of Attorney Agent, executed a sale deed in favour of the petitioner. When the sale deed was presented for registration before the second respondent, the same was refused to be registered by issuing a check slip. The check slip was issued by the second respondent on the ground that the legal heirship certificate of Chinnammal was not produced. Aggrieved by the same, the present Writ Petition was filed before this Court.

4. The learned counsel appearing on behalf of the petitioner submitted that the property exclusively belongs to Chinnammal and she died at Malaysia. In view of the same, the legal heirship certificate cannot be obtained at Malaysia. The learned counsel further submitted that a declaration has been given by the respondents 3 to 8, which was attested by a Notary Public at Malaysia, to the effect that they alone are the legal heirs of



W.P.(MD)No.15630 of 2021

late Chinnammal. The learned counsel further submitted that the death certificate of late Chinnammal was also produced before the Sub Registrar and this certificate was issued by the Registrar General of Births and Deaths, Malaysia.

5. The learned Additional Government Pleader appearing on behalf of the official respondents submitted that even if the legal heirship certificate is not available, the earlier legal heirship certificate that was issued on 13.11.2006 pursuant to the demise of one Arumugam, who is the husband of Chinnammal, shows that there are totally 10 legal heirs, who were left behind. The sale deed has been executed only by the respondents 3 to 8 and whereas, there are two other legal heirs namely, Tmt.Pushpavalli and Thiru.Ganapathi and these persons have not been brought to the scene and there is no reference about them even in the sale deed. In view of the same, it was submitted that either these two persons must also join in the execution of the document or there must be sufficient reasons given in the sale deed as to why they have no right in the property. The learned Additional Government Pleader therefore submitted that there is absolutely no illegality in the impugned check slip that was issued by the second respondent.



W.P.(MD)No.15630 of 2021

6. The specific case of the petitioner is that Chinnammal is the absolute owner of the subject property by virtue of the registered sale deed, dated 09.06.1995. On going through the legal heirship certificate that was issued to Arumugam, who was the husband of Chinnammal, it is seen that the said Arumugam had two wives. The present sale deed has been executed by the respondents 3 to 8, represented by their Power of Attorney, who is the 9th respondent. Apart from these respondents, there are two other names found in the legal heirship certificate that was given after the demise of the said Arumugam. The respondents 3 to 8 are not in a position to get the legal heirship certificate of Chinnammal, since she had died at Malaysia. The same is evident from the death certificate that has been produced before this Court. This Court is satisfied with the claim made by the respondents 3 to 8 in view of the affidavit / declaration filed by them before this Court and which has also been attested by a Notary Public at Malaysia. The only issue to be taken into consideration is with regard to the two other legal heirs namely, Tmt.Pushpavalli and Thiru.Ganapathi and whose names are found in the legal heirship certificate that was issued after the demise of Arumugam. If according to the respondents 3 to 8, these two persons do not have any right over the property belonging to Chinnammal, necessary recitals must be



W.P.(MD)No.15630 of 2021

included in the sale deed to that effect. In the alternative, these two persons can also be added as vendors in the sale deed. The respondents 3 to 8 will have to satisfy this requirement in the sale deed by providing sufficient recitals. If the same is done, there will be no difficulty for the second respondent to entertain the sale deed that is executed in favour of the petitioner.

7. In the light of the above discussion, the sale deed that is executed by the respondents 3 to 8 through their Power of Attorney namely, the 9th respondent, shall contain necessary recitals as to why the other two legal heirs namely, Tmt.Pushpavalli and Thiru.Ganapathi do not have any right over the property. If the same is done, the document shall be entertained by the second respondent and it shall be registered subject to fulfilling all the other requirements.

8. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No
Index : Yes/No
smn2

20.12.2023

6/8



W.P.(MD)No.15630 of 2021

To

WEB COPY

- 1.The District Registrar,
District Registrar's Office,
District Court Campus,
Trichy-1,
Trichy District.
- 2.The Sub-Registrar,
K.Sathanoor Sub-Registrar's Office,
K.Sathanoor,
Trichy District.



WEB COPY



W.P.(MD)No.15630 of 2021

N.ANAND VENKATESH, J.

smn2

W.P.(MD)No.15630 of 2021

20.12.2023