



W.P.(MD) No.17378 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.17378 of 2020
and
W.M.P.(MD) No.14520 of 2020**

1.Krishnamoorthy

2.Muruganantham

... Petitioners

/vs./

1.The District Registrar,
Tirunelveli Registration District,
Tirunelveli.

2.The Sub Registrar,
Radhapuram Sub Registrar Office,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned check slip dated 03.11.2020 issued by the 2nd respondent herein rejecting/cancelling the registration of the sale deed dated 03.10.2020 presented by the petitioners and quash the same as illegal and further direct the 2nd respondent herein to conduct a summary enquiry.



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For Petitioners : Mr.D.Nallathambi

For Respondents : Mr.C.Satheesh

Government Advocate

ORDER

Questioning the issue of a refusal check slip dated 03.11.2020 by the second respondent, the petitioner is before this Court seeking issue of Writ of Certiorarified Mandamus calling for the said order, to quash it and consequently to direct the second respondent to register the sale deed dated 03.10.2020 submitted for registration by the petitioner.

2.It is the case of the petitioners as set out in the affidavit that the land in Ayan Punja S.No.1320/1, Plot No.5, admeasuring an extent of 2400 sq.ft., Annai nagar, at Veppilankulam Village Part II, Radhapuram Taluk, Tirunelveli District, belonged to one Ramanadha Iyer, on whose demise on 15.02.2006, the property devolved on his wife, Kamala, who has been in possession and enjoyment of the same. The deceased Ramanadha Iyer and Kamala had no children and the petitioner's vendor, who is the first petitioner and was a close relative of Kamala being her brother's son was taken in adoption and has always been in the care and custody of the said Kamala and her husband, Ramanadha Iyer.



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3.It is also the case of the petitioners that Kamala died on 28.11.2019 and after her demise, the first petitioner had executed a sale deed 03.10.2020 in favour of the second petitioner. The said document was presented for registration before the second respondent. The second respondent, however, had returned the said document without registering it by calling upon the first petitioner to provide proof that he was the adopted son of Kamala. Challenging the same, the petitioners are before this Court.

4.Heard the learned counsels appearing on either side.

5.Admittedly, the first petitioner has not shown proof of the adoption or that he is the 1st class legal heir of Kamala. Therefore, the Registering Authorities were right in questioning his right to transfer the property of Kamala. Once there is a dispute with reference to the status of the petitioners, they have to get the same declared by the competent Court through due process of law and when the Court had asked the learned counsel for the petitioner as to whether there are any orders, which recognizes the status of the first petitioner as the adopted son of Kamala, the answer was in the negative.



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6. In these circumstances, the refusal of the second respondent to register the deed appears to be reasonable and correct. Therefore, I see no reason to interfere with the order impugned in this writ petition. Consequently, the Writ Petition is dismissed. It is well open to the petitioners to have their rights established in the manner known to law. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
mm

17.03.2023

To

1. The District Registrar,
Tirunelveli Registration District,
Tirunelveli.
2. The Sub Registrar,
Radhapuram Sub Registrar Office,
Radhapuram Taluk,
Tirunelveli District.



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P.T.ASHA, J.

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