



WP (MD) No.20310 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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1.Arumugam
2.Palaniammal

... Petitioners

Vs

1.The District Registrar,
Karur District,
Karur.

2.The Sub Registrar,
Chinna Tharapuram,
Karur, Karur District.

3.The Revenue Divisional Officer,
Karur.
[R-3 suo motu impleaded by order
dated 06.07.2023]

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to the impuged order passed by the 1st respondent vide his proceedings in Na.Ka.No.3784/A1/2022, dated 12.08.2022 and consequential impugned proceedings passed by the 2nd respondent vide Refusal Number: RFL/Chinnatharapuram/29/2022, dated 24.08.2022 and quash the same as illegal and consequently to direct the 2nd respondent to register the petitioner's rejected



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document in refusal No.RFL/Chinnatharapuram/29/2022 within the time that may be stipulated by this Court.

For petitioner : Mr.H.Mohammed Imran
For Respondent : Mr.PT.Thiraviam,
Nos.1 to 6 Government Advocate

ORDER

The 1st petitioner, Arumugam is the son of one A.Rajan and grandson of Arumugampillai and the 2nd petitioner is the daughter of Arumugam and grand daughter of Arumugampillai. Both petitioners are the legal heirs of the said Arumugampillai and they presented the document for registration of the property of their grand father Arumugampillai. The Sub-Registrar has refused to register the document insisting upon the petitioner to produce the death certificate of the Arumugampillai and the legal heir certificate of the Arumugampillai. Aggrieved over the same, the writ petition is filed.

2.The learned Counsel for the petitioner submits that Arumugampillai passed away a long back, even prior to the



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enactment of the Registration of Births and Deaths Act, 1969 and therefore, there are difficulties in getting the death certificate of the said Arumugampillai. He further submits that it is also very difficult to obtain legal heir certificate of Arumugampillai, who died long a back and they are having the death certificates of Ramasamy and Rajan, who are the sons of the Arumugampillai and therefore, prays for a direction to the respondents to register the document.

3.The learned Additional Government Pleader appearing for the respondents submits that the property stands in the name of the Arumugampillai, who purchased it in the year 1958 vide document No.1526 of 1958 and one Ramasamy and Rajan are said to be the legal heirs of the said Arumugampillai. The 2nd respondent Sub-Registrar cannot register the document without ascertaining whether Ramasamy is alive or not and therefore, he rightly refused to register the document produced by the petitioner.



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4.This Court considered the rival submissions and perused the materials placed on record.

5.The respondents claim that the property stands in the name of the Arumugampillai, but the death certificate and legal heir certificates of Arumugampillai were not produced and therefore, the 2nd respondent Sub Registrar refused to register the document. The petitioners claims that they are the legal heirs of the said Arumugampillai and he died a long back and therefore, they are having difficulties in getting the legal heir certificate of Arumugampillai after this distant point of time.

6.This Court is not finding fault with the 2nd respondent who refused to register the document in the absence of necessary documents.

7.Considering the submission made on either side, this Court *Suo motu* impleads, the Revenue Divisional Officer, Karur as the 3rd respondent in this writ petition and the learned Government Advocate takes notice for the newmly impleaded respondent.



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8.The petitioner is permitted to submit an application seeking legal heir certificate to the 3rd respondent within a period of three weeks from the date of receipt of a copy of this order along with relevant documents and on such application is received, the 3rd respondent shall conduct enquiry and ascertain whether Arumugampillai died, Ramasamy and Rajan are the only legal heirs of the said Arumugampillai and issue necessary legal heir certificate as per the provisions under the Registration of Births and Deaths Act. The petitioner is also at liberty to submit the document for registration afresh based on the legal heir certificate.

9.With the above directions this writ petition is disposed of. No Costs.

06.07.2023

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B.PUGALENDHI, J.

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