



W.P(MD)No.28804 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28804 of 2023

Ranganayaki

... Petitioner

Vs.

The Joint – II Sub-Registrar,
Palani, Dindigul.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the refusal cheque slip in RFL/2 The Joint II Sub-Registrar Palani/55/2023 dated 01.09.2023 issued by the respondent and to quash the same as it is against the provisions of the Hindu Succession Act and consequently direct the respondent to accept the sale deed dated 01.09.2023 for registration.

For Petitioner : Mr.A.Senthilkumar

For Respondent : Mr.V.Nirmal Kumar,
Government Advocate.



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ORDER

Heard both sides.

2.The petition mentioned property is in the name of Kaleeshwaramoorthi who was none other than the petitioner's unmarried son. The said Kaleeshwaramoorthi is no more. The petitioner's husband is also no more. The petitioner wants to sell the property that stood in the name of her son in favour of one Kavithamani. She is none other than the daughter of the petitioner. The respondent refused to register the document on the ground that the petitioner has not enclosed the legal heir certificate of her deceased husband. The said refusal check slip is put to challenge in this writ petition.

3.Even though the learned Government Advocate would endeavour to defend the stand of the registering authority, I have to necessarily set aside the impugned refusal check slip and allow the writ petition. This is because the parties are Hindus. As per the provisions set out in Hindu Succession Act, apart from spouse and children, the mother and not the



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father is the Class I legal heir of a deceased individual. It is the mother and not the father who will come under Class I category. In this case, the petitioner's husband has already passed away. Therefore, there is no need to obtain his legal heir certificate. It is stated that Kaleeshwaramoorthi died unmarried. The petitioner is his sole legal heir. Copy of the legal heir certificate of Kaleeshwaramoorthi issued by the Tahsildar, Palani has been enclosed in the typed set of papers. Of course, the petitioner's husband has also been named as one of the legal heirs. But then, I cannot lose sight of the statutory provisions. Since the mother alone is the Class I legal heir and not the father, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document in question. It shall be received, registered and released subject to fulfillment of other usual formalities.

4.This writ petition is allowed on these terms. No costs.

07.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

The Joint – II Sub-Registrar,
Palani, Dindigul.

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