



W.P(MD)No.29104 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29104 of 2023

1.Santhi

2.Latha

... Petitioners

Vs.

The Sub Registrar,
Kariapatti Sub Registrar Office,
Virudhunagar District.

... 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 of the impugned order passed by the respondent in Na.Ka.No. 221/2023 dated 27.11.2023 and quash the same as illegal and unconstitutional, consequently direct the respondent to accept the sale deed presented by the petitioners for registration in respect of property comprised in S.No.6/5, admeasuring 16 cents (0.06.50 Ares) covered under Patta No.183 situated at A.Nedunkulam Village, Kariapatti Taluk, Virudhunagar District and release the same forthwith.

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For Petitioners : Mr.S.Balamurugan
For Respondent : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioners are daughters of one Vellaiyathevar. Vellaiyathevar is said to have died way back in the year 1995. Their mother Vellammal passed away on 22.07.2010. Copies of the death certificate and legal heir certificate of Vellammal have been enclosed in the typed set of papers.

3.The learned counsel appearing for the petitioners states that since Vellaiyathevar died almost 30 years ago, it is difficult to obtain the legal heir certificate. However, patta in respect of the petition mentioned property has already been mutated in favour of the writ petitioners. In these circumstances, refusing to register the document in question on the ground that Vellaiyathevar's legal heirs certificate has not produced does



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not appear to be appropriate. It is not the case of the respondent that any protest petition or objection petition has been received. In this view of the matter, the impugned communication is set aside. The petitioners are permitted to re-present the document in question. The respondent shall receive it, register it and release it subject to the fulfillment of the other usual formalities.

4.This writ petition is allowed accordingly. There shall be no order as to costs.

11.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Sub Registrar,
Kariapatti Sub Registrar Office,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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