



W.P(MD)No.30186 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30186 of 2023

K.Latha

... Petitioner

Vs.

The Sub Registrar,
Sivakasi Registration Office,
Sivakasi,
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 of the respondent in Memo No. 13/2023 dated 08.12.2023 and quash the same as illegal and consequently direct the respondent to register the Sale deed dated 08.12.2023 presented by the petitioner in favour of without insisting original parent document and complete the Registration formalities on the basis of certified copy of the parent document and return the Sale deed within the time stipulated by this Court.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.M.Prakash
Additional Government Pleader



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ORDER

Heard both sides.

2. The property in question was purchased by the petitioner's father Kalimuthu Chettiyar in the year 1983. Kalimuthu Chettiyar passed away on 31.12.2008. There was a partition suit proceeding among the legal heirs of Kalimuthu Chettiyar namely his wife Puspavalli and daughters Latha, Shanthi and Vijaya Lakshmi. As per the partition decree, each of them were allotted 1/4th undivided share in the property. Final decree proceedings are yet to take place. In the mean while, Puspavalli settled her 1/4th undivided share in the property in favour of one of her daughters namely Shanthi. Now, Latha the other daughter wants to sell her 1/4th undivided share in favour of one Mariappan. The original parent deed was with her mother and it was handed over to Shanthi. Therefore, the petitioner obviously cannot produce the original deed. The petitioner is only alienating her 1/4th undivided share and nothing else. Therefore, registration ought not to be refused. The petitioner is permitted to re-present the document. It shall be received, registered and released subject to fulfillment of other usual formalities.



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3. The Writ Petition is allowed. No costs.

19.12.2023

Index : Yes / No

Internet : Yes/ No

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To

The Sub Registrar,
Sivakasi Registration Office,
Sivakasi,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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