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W.P.No.12302 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12302 of 2024

Vaidhegi

... Petitioner

Vs.

The Sub Registrar,
Katpadi Sub Registrar Office,
Vellore.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the refusal check slip in Refusal Number RFL/KATPADI/39/2024 dated 22.04.2024 and quash the same as illegal and unsustainable and consequently, direct the respondent to admit and register the settlement deed dated 22.04.2024 executed by the petitioner in favour of her grand daughter named Boomika with respect to her 1/4 share in the properties outlined under the registered sale deed Doc.No.10281 of 2010, Doc. No.634 of 2011, Doc.No.8067 of 2014, Doc.No.7882 of 2014, Doc.No.1947 of 2016, Doc.No.6973 of 2016, Doc.No.3257 of 2017, Doc.No.6084 of 2019, Doc.No.560 of 2020 on the file of SRO, Katpadi and further Doc.No.695 of 2023 and Doc.No.696 of 2023 on the file of the SRO, Keelthuniyaankuppam, Doc.No.1392 of



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2022, Doc.No.1393 of 2022, Doc.No.1394 of 2022 and Doc.No.1395 of 2022 on the file of SRO, Pallikonda.

For Petitioner : Mr.P.Balamurugan

For Respondent : Mr.LSM.Hasan Fizal, AGP

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the refusal check slip in Refusal Number RFL/KATPADI/39/2024 dated 22.04.2024 and quash the same as illegal and unsustainable and consequently, direct the respondent to admit and register the settlement deed dated 22.04.2024 executed by the petitioner in favour of her grand daughter named Boomika with respect to her 1/4 share in the properties outlined under the registered sale deed Doc.No.10281 of 2010, Doc. No.634 of 2011, Doc.No.8067 of 2014, Doc.No.7882 of 2014, Doc.No.1947 of 2016, Doc.No.6973 of 2016, Doc.No.3257 of 2017, Doc.No.6084 of 2019, Doc.No.560 of 2020 on the file of SRO, Katpadi and further Doc.No.695 of 2023 and Doc.No.696 of 2023 on the file of the SRO, Keelthuniyaankuppam, Doc.No.1392 of 2022, Doc.No.1393 of 2022, Doc.No.1394 of 2022 and Doc.No.1395 of 2022 on the file of SRO,



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Pallikonda.

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2. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. Challenge has been made to the refusal slip issued on the ground that the co-owners have 1/5 share. The case of the petitioner is that the property is originally owned by the petitioner's son Raja. He died on 12.01.2024. After his death, the petitioner being the mother of the deceased Raja, has executed the settlement deed in respect of her share in favour of her grand daughter. However the document is refused to be registered on the ground that Raja's father's name is also shown in the legal heir certificate.

4. It is to be noted that as far as Hindu male dies intestate, his father is not a class I legal heir, the mother of the deceased is only a class I legal heir along with the wife and children. Such being the position, merely because the legal heir certificate is issued by the revenue authorities along with the name of the father of the deceased, that will not



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determine the shares. The shares has to be determined as per Schedule (i) of Section 8 of the Hindu Succession Act. In such view of the matter, the order of refusal to register the document is liable to be quashed.

5. With the above observations, this Writ Petition is allowed. The impugned order in Refusal Number RFL/KATPADI/39/2024 dated 22.04.2024 is quashed. The respondent is directed to register the document within a period of one week from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

30.04.2024

To

The Sub Registrar,
Katpadi Sub Registrar Office,
Vellore.



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N.SATHISH KUMAR, J.

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